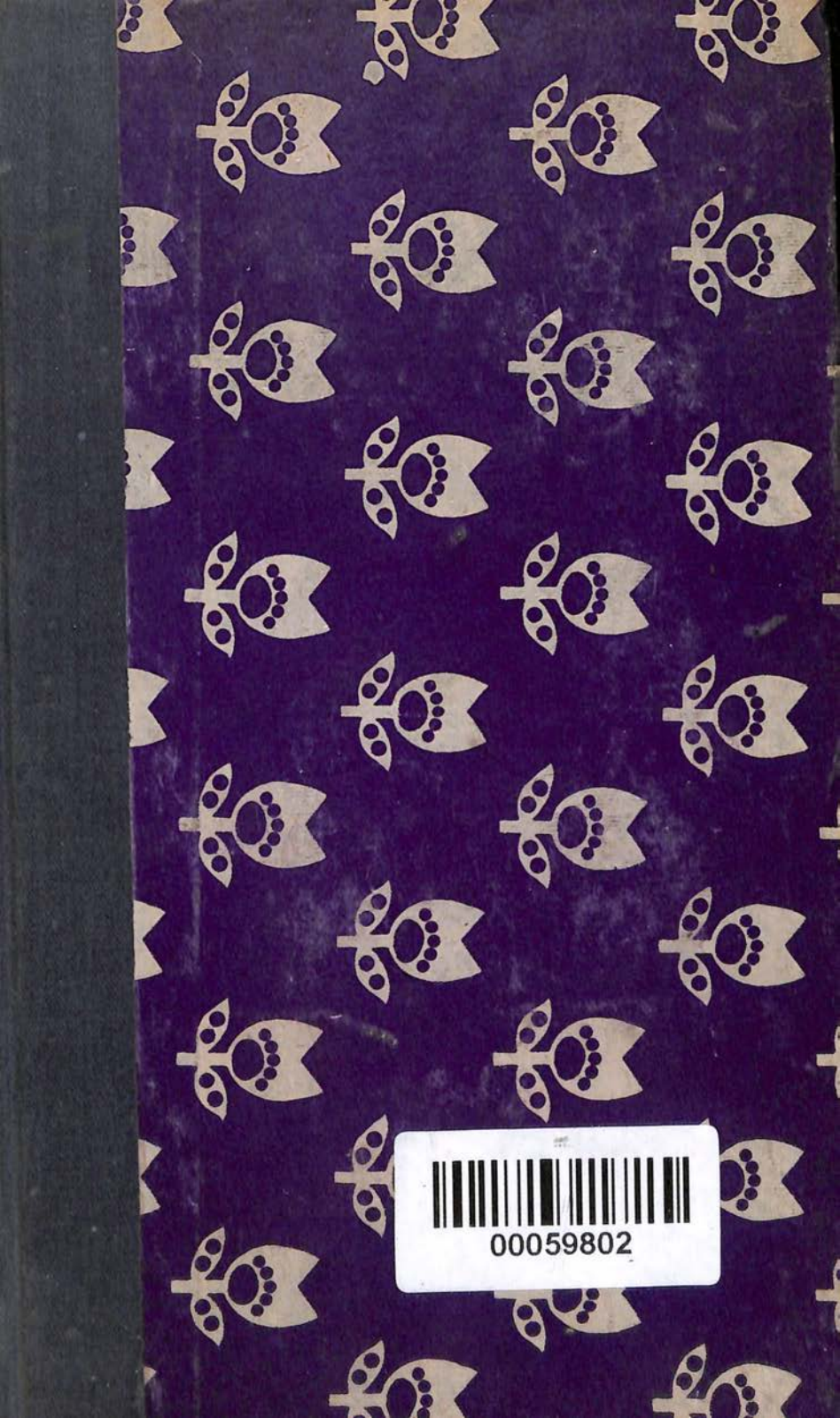
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THE

PRINCIPLES

OF

MORAL PHILOSOPHY

INVESTIGATED,

AND BRIEFLY APPLIED TO THE CONSTITUTION OF CIVIL SOCIETY:

59802

TOGETHER WITH

REMARKS ON THE PRINCIPLE ASSUMED BY MR. PALEY AS THE BASIS OF ALL MORAL CONCLUSIONS,

AND ON OTHER POSITIONS OF THE SAME AUTHOR.

By THOMAS GISBORNE, M. A.

THE THIRD EDITION, CORRECTED AND ENLARGED.

To which is added, a New Edition, with an APPENDIX,

OF

REMARKS

ON THE

LATE DECISION OF THE HOUSE OF COMMONS

RESPECTING

THE ABOLITION OF THE SLAVE TRADE.

LONDON:

PRINTED FOR B. AND J. WHITE, FLEET-STREET.

M, DCC, XCV.

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TO THE

MEMBERS

OF THE

UNIVERSITY OF CAMBRIDGE,

THE

FOLLOWING TREATISE

IS RESPECTFULLY DEDICATED.

PREFACE.

THE ſubſequent Treatiſe was occaſioned by n appointment, which I underſtood to have ken place in the Univerſity of Cambridge, at candidates for the degree of Bachelor of rts ſhall be examined in the "Elements of Moral and Political Philoſophy."

No one can rejoice more ſincerely than ıyſelf at every academical regulation, which romotes the ſtudy of morality; a ſtudy of ınıverſal ımportance, and deſerving of the

utmoſt encouragement in a ſeminary particularly deſigned to complete the education of Chriſtian miniſters. Nor can any one be more fully convinced of the purity of the motives which gave riſe to the appointment which I have mentioned, or more willing to bear ample teſtimony to the excellence of various parts of Mr. Paley's work. Yet I am alſo perſuaded that the principle aſſumed by Mr. Paley, as the criterion of moral duty, is open to fundamental objections of the utmoſt magnitude; and that many of his concluſions are not ſuch as juſt reaſoning would eſtabliſh. As I ſhall hereafter have occaſion to ſpeak of ſome general cauſes likely to facilitate the reception of any erroneous opinions maintained in the work in queſtion, I ſhall at preſent only obſerve, that thoſe opinions muſt operate with particular force, when apparently ſanctioned by the approbation of one of our Univerſities; and with conſequences particularly to be lamented, when inſtilled into perſons of that age, in which the mind is eaſily impreſſed,

impreſſed, and liable to acquire a laſting partiality for the principles which it imbibes.

It is not my intention to hold up to public notice every error into which I may imagine Mr. Paley to have fallen, nor to conſtruct a complete ſyſtem of morality. The former purpoſe would be uncandid, the latter preſumptuous. After preparing my way by an examination of Mr. Paley's fundamental poſition, I ſhall endeavour to eſtabliſh principles leſs exceptionable; and ſhall briefly apply them to the conſtitution of civil ſociety. I ſhall alſo make incidental remarks on ſuch of Mr. Paley's concluſions as fall within my immediate plan, when they appear to me to be inaccurate, and at the ſame time to bear on topics of importance. I am willing to believe that in the controverſial remarks interſperſed through the ſubſequent Treatiſe, I ſhall not forget what is due to the very reſpectable author who is the ſubject of them; and to hope that

the

the ſame conſiderations, which have led me to inveſtigate the errors of others, will teach me to acknowledge with gratitude the detection of my own.

In prefixing my name to this publication, I am far from being actuated by a wiſh to be perſonally known as an antagoniſt of Mr. Paley. The fact is, that a conſiderable portion of the following pages was written before I had the moſt diſtant idea of avowing them. Reflection, however, and the opinion of others, convinced me that it would be in vain to expect a ſhort and anonymous performance to attract ſuch a ſhare of public attention, as to have a chance of counteracting in any degree the acknowledged ſentiments of Mr. Paley; and that, by purſuing my original plan, I ſhould at once enſure to this Treatiſe that total neglect and oblivion, to which a book authenticated by the ſignature of any individual is not uſually conſigned, until a fair trial has

has been granted, and the ſentence has been found to be deſerved.

I cannot cloſe this Preface without performing an act of Juſtice, and expreſſing how materially I have been indebted in many of the ſubſequent diſcuſſions to the important obſervations ſuggeſted by my excellent friend, Mr. Babington, of Rothley Temple.

YOXALL LODGE,
March 27, 1789.

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PART

PART I.

EXAMINATION OF MR. PALEY'S FUNDAMENTAL PRINCIPLE OF MORALITY.

CHAP. I.

INTRODUCTORY REMARKS ON THE "ELEMENTS OF "MORAL AND POLITICAL PHILOSOPHY."

He who offers his opinions to the world ought to be impelled by ſuch motives as will vindicate him, to the ſatisfaction of candid minds, from the charge of unneceſſary obtruſion. I have already noticed, in my preface, the general grounds on which I venture to ſolicit attention to my ſentiments on ſubjects of morality. Thoſe grounds it may now be proper more fully to explain.

Mr. Paley has obtained, and has in many reſpects deſerved, a very large ſhare of public

favour. The ſelection of the moſt important topics for the exerciſe of his abilities; the ſedulous induſtry with which he has proſecuted his reſearches; the ſpirit of benevolence and piety which pervades and animates his writings; theſe are merits which entitle him to the diſtinguiſhed regard of every friend of natural and revealed religion. Where ſhall we diſcover ſounder or more pointed arguments than thoſe by which many of his poſitions are enforced? Where ſhall we look for models of elucidation more appoſite than the examples by which many of his arguments are illuſtrated? Where is the work, in which the intricacies of abſtruſe ſpeculation are more ſtudiouſly accommodated to practical utility; and moral concluſions more happily applied to the incidents of common life? Yet if into a work, recommended by ſo many and ſo powerful conſiderations, fundamental errors have been admitted; if momentous concluſions reſt on principles either falſe in themſelves, or improperly applied, or inſufficient to ſupport all the inferences deduced from them; the probable effects on the moral conduct of men cannot fail to be in a high degree extenſive and pernicious. Every circumſtance which,

which, on the peruſal of one chapter, ſpreads a glow of approbation over the mind of the reader, contributes to prevent him from ſuſpecting or diſcovering the miſtakes in the next. Embracing, partly from the conviction of his reaſon, partly from his preconceived opinions of right and wrong, the concluſions preſented to him, he no longer doubts, if he had doubted before, the truth of the propoſitions from which they are derived. Struck with the apparent purity of the ſtream, he forgets to examine the ſalubrity of the fountain from which it ſprings, and of the channels through which it is conveyed.

The ſtyle and arrangement adopted by former moraliſts, far from captivating the attention of the ſtudent, have too often taught him to conſider ethical inveſtigations as unalluring and diſtaſteful. He found himſelf perplexed with intricate details purſued through innumerable ſubdiviſions; and frequently diſguſted with the unintereſting concluſion obtained by ſo laborious a proceſs. In compliance with the prejudices, the indolence, and in many reſpects with the reaſonable expectations of mankind, later writers have de-

viated from the track of their predeceſſors; they have abandoned dry and unprofitable ſpeculations; they have mitigated the rigour of ſcientific method by the elegance of flowing language; and enlivened the barrenneſs of ſtrict demonſtration by the graces of modeſt ornament. The intention was dictated by wiſdom, and has been executed with ability. The labours of Mr. Paley, and of others who have adopted a ſimilar plan, have obtained the applauſe, and have influenced the conduct, of numbers, who turned from former treatiſes on moral ſubjects with contempt and averſion.

While I contemplate with pleaſure this more general diffuſion of knowledge of the moſt important kind, may I not be permitted to remark that ſome of the cauſes, which have enſured to Mr. Paley's work ſuch extenſive popularity, would naturally lead the world to overlook the defects inherent in any principle, aſſumed by him as the ground-work of moral and political philoſophy? And may I not add, that the principle which he has adopted is peculiarly calculated to captivate the generality of readers; while at the ſame time many

many of his [a] obſervations and concluſions are ſuch as tend to quiet the alarms of the rigid moraliſt?

The doctrine of general expediency, which affirms that utility is the ſole meaſure of the rectitude or depravity of every action, and at the ſame time conſtitutes the agent the ſole judge [b] of that utility, will cheerfully be embraced by thoſe whoſe indolence deſires a rule of conduct eaſy to be retained, and of univerſal application; by thoſe whoſe vague opinions and ill-governed paſſions are averſe to abſolute and immutable reſtraints; and by thoſe whoſe miſtaken liberality of ſentiment ſuggeſts that a moral agent ſhould in every caſe be permitted to determine for himſelf,

[a] See Mr. Paley's remarks on general rules, and on perfect rights.

[b] "It is not meant that any other perſon than the "agent ought on Mr. Paley's principles, or on any princi- "ples, to have been conſtituted judge of the utility; but "ſimply to ſtate that Mr. Paley's rule is in that reſpect "much more attractive than it would have been, had it "pronounced that any others were to judge for the agent, "or that the ſcriptures had in certain caſes taken from "him all latitude of diſcretion."

unfettered by any dictates of revelation, what actions will promote on the whole his happineſs or miſery. Other cauſes, unconnected with theſe prejudices and errors, will concur in producing the ſame effect. The ſeeming piety of the idea, that the rule to which the conduct of the Almighty is conformable ſhould be the ſtandard of human actions, will dazzle well-diſpoſed minds. Perſons of an oppoſite deſcription, who may find it convenient to affect a ſenſe of virtue, will gladly profeſs a principle which authoriſes them to depart at their own diſcretion from the moſt poſitive rules of morality; teaches them that *every* unbending precept, however generally received, is founded on falſe and contracted views of things; and thus affords them a plauſible and never-failing defence for any meaſures which they chooſe to adopt.

Such is the alluring nature of Mr. Paley's general rule; and many of the inferences derived from it will accord with the reader's preconceived notions of morality. In the chapters to which I have already referred (not to particularize others) he is preſented with concluſions bearing evident marks of truth

truth and juſtice; and if he does not pauſe to conſider how far they are conſiſtent with the principle from which they are ſaid to flow, and how far they are compatible with other parts of Mr. Paley's work, he will be perſuaded that the duties which he has been uſed to regard as of abſolute obligation continue ſacred and indiſpenſable under the rule of general expediency.

I apprehend, however, that the principle of expediency is not ſupported in Mr. Paley's work by any proof which will ſtand the teſt of cloſe examination; that it is liable, in the hands of man, to ſuch miſapplication and perverſion, that its general reception would apparently be moſt unfavourable to human happineſs; that it is totally incompatible with the precepts of ſcripture; and that it never could be deſigned, nor can poſſibly be adopted, for the regulation of human conduct. In the following pages I ſhall endeavour to eſtabliſh the validity of theſe aſſertions; and, in the place of general expediency, to ſubſtitute and apply other principles, founded on reaſon, confirmed by revelation, and conſequently not expoſed to ſimilar objections.

They, who are deeply convinced of the pernicious and indefinite effects of error, who are alarmed at the train of evils which would enſue if men were guided in their moſt important concerns by a principle deſtitute of foundation, will not deem it unintereſting to examine the validity of a doctrine, likely, from its own nature, to be ſo generally embraced; and, from the mode of applying it, to be ſo little queſtioned. I am aware of the diſadvantageous terms on which a writer, unknown to the public, combats authority ſo powerful as that of Mr. Paley. Yet, whatever be the deference paid to names by the generality of mankind, an inquiry into ſubjects confeſſedly of the higheſt moment, we may hope, in this age and country, will be received with candid attention, not only without the concurrence of adventitious aid, but even in oppoſition to it. It cannot, at leaſt, be apprehended that in our univerſities, conſecrated to the inveſtigation of truth, a prejudice, univerſally giving way, ſhould fix its lateſt reſidence. " We [c] appear aſtoniſhed " when we ſee the multitude led away by

[c] See Mr. Paley's preface.

" ſounds;

" ſounds; but we ſhould remember that, if
" ſounds work miracles, it is always upon
" ignorance. The influence of names is in
" exact proportion to the want of know-
" ledge."

CHAP. II.

STATEMENT, PROOF, AND APPLICATION OF THE PRINCIPLE OF GENERAL EXPEDIENCY ACCORDING TO MR. PALEY.

It will be proper to lay before the reader a brief ſtatement of Mr. Paley's fundamental propoſitions before I enter into an examination of their truth; and I ſhall leave them to make their full impreſſion on his mind, reſerving my objections to be unfolded in ſubſequent chapters.

After having ſhewn that thoſe rules of life by which men are ordinarily governed, namely the law of honour, the law of the land, and the ſcriptures, do not ſuperſede the ſtudy of ethics; the firſt being founded on caprice ſometimes abſurd, and frequently vicious; the ſecond profeſſedly omitting many duties, and tolerating many crimes; and the third not containing a ſpecific determination of the many particular caſes which continually occur; Mr. Paley directs his inquiries to the conſideration of

of the moral ſenſe. And, having [a] proved that its exiſtence is problematical; that its dictates, admitting its exiſtence, cannot now be diſtinguiſhed from prejudices and habits; and that at any rate they can derive ſubſtantial weight only from reſorting to ulterior ſanctions; he aſſerts that reſort may be had to theſe ſanctions by a ſurer rule, and proceeds to develop the nature and the ſource of moral obligation. He ſtates that [b] all obligation conſiſts in being urged by a violent motive reſulting from the command of another; and that moral obligation [c] implies the being impelled to perform certain actions, and to abſtain from others, by the expectation of future rewards and puniſhments, reſulting from the appointment of God. Hence he infers, that "to [d] inquire what is our "duty, or what we are obliged to do, in any

[a] Though I have concurred in the general concluſions eſtabliſhed in Mr. Paley's chapter on the moral ſenſe, I muſt not be underſtood to acquieſce in every thing which that chapter contains. The obſervation that "perhaps no "maxims in morality can be aſſigned which are univerſally "true, and do not bend to circumſtances," will be the ſubject of future diſquiſition.

[b] Page 57, Vol. I. Ed. 6th. 8vo. To this edition all ſubſequent references are made.

[c] Page 59, Vol. I.

[d] Page 62, Vol. I.

"inſtance,

" inſtance, is, in effect, to inquire what is the " will of God in that inſtance."

The truth of the Chriſtian religion having been pre-ſuppoſed, Mr. Paley then obſerves that " there are two methods of coming at the " will of God on any point.

" Firſt, By his expreſs declarations, when " they are to be had; and which muſt " be ſought for in ſcripture."

" Secondly, By what we can diſcover of his " deſigns and diſpoſition from his works; " or, as we uſually call it, the light of " Nature."

On the preſumption of the divine benevolence, a preſumption which Mr. Paley afterwards confirms from a conſideration of the conſtitution of nature, and which might with much propriety have been ſhewn to be a fundamental principle of Chriſtianity, he concludes that [e] " the method of coming at the will of " God concerning any action, by the light of

[e] Page 70, Vol. I.

" nature,

" nature, is to inquire into the tendency of " that action to promote or diminiſh the ge- " neral happineſs."

Whatever [f] is expedient he affirms to be right. But, in conſequence of having ſhewn [g] the neceſſity of all moral government being adminiſtered according to general rules, he ſubjoins, " It [h] muſt be expedient, upon the " whole, at the long run; in all its effects " collateral and remote, as well as in thoſe " which are immediate and direct; as it is " obvious that, in computing conſequences, it " makes no difference in what way, or at " what diſtance, they enſue."

Mr. Paley, having once eſtabliſhed to his own ſatisfaction the principle of general expediency, in the manner which I have ſtated, applies it as the ſole ſtandard, not of thoſe moral duties only concerning which the ſcriptures do not furniſh him with ſufficient information, but of all moral duties univerſally, of whatever nature, and however aſcertained.

[f] Page 70, Vol. I.
[g] Page 74, Vol. I.
[h] Page 78, Vol. I.

" The

" The *criterion* [i] of right is utility." *What-*
" *ever* [k] is expedient is right. It is the *utility*
" of *any* moral rule *alone* which conſtitutes the
" obligation of it." And ſhortly afterwards Mr. Paley, deſcribing himſelf as called upon to prove aſſaſſination, robbery, and perjury unlawful, inſtead of making, or leaving room for, a deciſive appeal to ſcripture on the ſubject, replies, " Theſe [l] actions are not uſeful;
" and for that reaſon, *and that alone*, are not
" right." He further declares that *every* moral rule is liable to be ſuperſeded in particular caſes on the ground of expediency. " Moral
" philoſophy [m] cannot pronounce that any
" rule of morality is ſo rigid as to bend to no
" exceptions; nor, on the other hand, can
" ſhe compriſe theſe exceptions within any
" previous deſcription. She confeſſes that
" the obligation of every law depends upon
" its ultimate utility; that, this utility hav-
" ing a finite and determinate value, ſitu-
" ations may be feigned, and conſequently
" may poſſibly ariſe, in which the general
" tendency is outweighed by the enormity

[i] Page 71, Vol. I.
[k] Page 70, Vol. I.
[l] Page 72, Vol. I.
[m] Page 411, Vol. II.

" of

" of the particular miſchief;" and of courſe when ultimate utility, and conſequently the will of God, render it as much an act of duty to break the rule, as it is on other occaſions to obſerve it.

But who ſhall judge of the expediency? " Every [n] man," he replies, " for himſelf." And is there not great danger of a man's eſtimating amiſs the expediency in a vaſt variety of caſes; and thence acting in a manner directly repugnant to the line of conduct which he ought to have purſued? Mr. Paley, anticipating this objection, endeavours to provide againſt it, and ventures a bold aſſertion that every other ſyſtem of morality is not leſs expoſed, is perhaps more expoſed, than that which he patroniſes, both to caſual and to wilful miſapplication. " The [o] danger of error " and abuſe is no objection to the rule of ex- " pediency, becauſe every other rule is liable " to the ſame or greater; and every rule that " can be propounded upon the ſubject (like " all rules, which appeal to or bind the con- " ſcience) muſt in the application depend upon " private judgement."

[n] P. 142, Vol. II. [o] P. 143, Vol. II.

This

This paragraph, in which the argument is couched in general terms, equally applicable to every caſe of expediency, contains the language and determination of Mr. Paley in applying his theory to the duty of civil ſubmiſſion or reſiſtance: and it contains what muſt be his language and determination reſpecting every other moral duty, as he founds all on the ſame principle.

The reſult of the ſtatement contained in this chapter is, that, according to Mr. Paley's principle, a man is bound to the obſervance of each moral rule, as long as he thinks ſuch obſervance generally expedient; that he is permitted, and even obliged in conſcience, to diſregard any rule, whenever in his opinion the violation of it will be attended on the whole with beneficial conſequences; and that with reſpect to *every* moral rule caſes may occur, in which expediency will *actually* require the violation to take place.

CHAP. III.

REFUTATION OF MR. PALEY'S PROOF OF HIS FUNDAMENTAL PRINCIPLE.

OUR firſt inquiry will naturally be whether the argument, by which Mr. Paley profeſſes to prove the truth of the ſyſtem ſtated in the preceding chapter, be found in all its parts. Should we find it to be ſo, all further diſcuſſion will be precluded.

Mr. Paley, after having ſhewn that the duty of man conſiſts in obeying the will of God, reaſons in the following manner: "God [a] Almighty wills and wiſhes the happineſs of his creatures; and conſequently "thoſe actions which promote that will and "wiſh muſt be agreeable to him; and the "contrary." He infers as a neceſſary concluſion from theſe premiſes, that "the [b] method of coming at the will of God concerning any action by the light of nature "is, to inquire into the tendency of that

[a] Paley, P. 65, Vol. I. [b] P. 65 and 70, Vol. I.

" action to promote or diminiſh the general " happineſs."

The firſt ſtep of Mr. Paley's reaſoning, that " God wills and wiſhes the happineſs of " his creatures," if underſtood in the full latitude of the terms, demands our unconditional aſſent. We know that the divine Author of the univerſe is a being of unbounded benevolence. We know that a deſire of promoting happineſs, or in other words general expediency, extending to *all* created beings, is an unchangeable motive of his conduct.

The conſequence deduced from the foregoing fact by Mr. Paley, that " thoſe actions " which promote that happineſs muſt be " agreeable to him, and the contrary," is alſo ſtrictly true, if Mr. Paley be ſuppoſed to ſpeak of actions in the abſtract without any reference to the motives of the agent. The Almighty approves or diſapproves of actions viewed in this light, accordingly as they further or impede his plan of univerſal good.

Mr.

Mr. Paley's inference from theſe poſitions is, that "the method of coming at the will "of God concerning any action by the light "of nature is to inquire into the tendency of "that action to promote or diminiſh the ge-"neral happineſs."

This is certainly not a regular deduction: there is by no means a neceſſary connexion between the premiſes and the concluſion. Were the powers of the human intellect unlimited, and capable of deriving knowledge from *any* ſpecified ſource, of drawing it forth from *every* ſecret repoſitory in which it is ſtored, Mr. Paley's concluſion would be juſt. For, in that caſe, in order to indicate the method of obtaining knowledge of any kind, nothing more would be requiſite than that the ſtorehouſe in which it is hidden ſhould be ſpecified. But as human faculties are circumſcribed and imperfect, it is not only poſſible, but very probable, that with reſpect to various ſubjects they may not be competent to deduce knowledge from ſources, from which, were thoſe faculties more extenſive and more powerful, we ſhould have been able to obtain it. If, for example, we were deſirous of knowing the

will of the Almighty on a particular point, and had learned by ſome inconteſtible proof that he had communicated that will to the angels; what ſhould we think of the adviſer who ſhould ſeriouſly direct us to conſult the angels reſpecting it? No one can be ſaid to have pointed out the method of acquiring the knowledge either of the will of God, or of any other ſubject, unleſs, after having ſhewn the ſource from which, abſtractedly ſpeaking, it is derivable, he prove, in the next place, that man has faculties enabling him to derive it from that ſource. Now on the latter head Mr. Paley is totally ſilent. He lays before us an undoubted abſtract ſource of the knowledge of the will of God concerning human actions, namely, their tendency to promote or diminiſh the general happineſs: but he makes not the ſmalleſt attempt to prove that our faculties are ſuch as to enable us to derive this knowledge from the ſource in queſtion. He contents himſelf with directing us "to inquire," when he ſhould have proved us able to *diſcover*. This important chaſm in his argument, entirely deſtroys the validity of his concluſion; and, until it be ſupplied, his declaration that "an "inquiry into the tendency of actions to pro-

"mote

" mote or diminiſh the general happineſs," (or, in other words, the rule of general expediency) " is the method of coming at the will " of God," can be conſidered in no other light than in that of an aſſertion unſupported by proof. " What though I admit," ſome heſitating reader of Mr. Paley's treatiſe may obſerve, " that the Almighty wills and wiſhes the " happineſs of mankind, is it therefore a certain " and ſelf-evident truth, that in determining by " the light of nature the morality of any ac- " tion, I am to regard nothing but my gueſſes " at its tendency to promote or impede the " general happineſs ? Mr. Paley tells me that " I am to determine it thus, and thus only; " and of courſe means me to underſtand that I " have faculties equal to the office of thus " aſcertaining it. But my ſecurity that he is " right with regard to either point, is merely " his unſupported aſſertion. Is it certain and " ſelf-evident that there is not one rule of mo- " rality which, under certain circumſtances, it " may not be my abſolute duty to violate? " Mr. Paley aſſures me that there is not one; and " tells me that it muſt be ſo, becauſe the violation " of every moral rule may at times be generally " expedient. Here again, if I examine into

" the grounds of his reaſoning, I find it reſting
" ſolely on his former aſſertion. Is it certain
" and ſelf-evident that God may not have
" placed within the reach of our faculties bet-
" ter rules of natural morality, better to us,
" becauſe more obvious and more ſafe than
" the rule of general expediency? Mr. Paley
" tells me that he has not; and that every
" other moral rule is liable to the ſame or
" to greater danger of error and abuſe. But
" for theſe facts alſo, if facts they be, I have
" no aſſurance but his bare aſſertion."

The preceding remarks may be confirmed and illuſtrated by inquiring how far Mr. Paley's mode of reaſoning would be deemed ſatisfactory or admiſſible on other occaſions.

When St. Paul's cathedral was erected, the architect willed and wiſhed the excellence of the edifice. This poſition we will ſuppoſe to be allowed. Conſequently thoſe proceedings of the workmen, which ſhould promote that will and wiſh, muſt have been agreeable to him; and the contrary. Granted alſo. Therefore the method which it was right for the workmen, individually, to purſue, if they were at any

time

time without ſpecific inſtructions, in order to aſcertain his will reſpecting any proceeding, was to inquire into the tendency of that proceeding to promote or diminiſh the excellence of the ſtructure. If one of the maſons had reaſoned in this manner, and, in conformity to his rule, had commenced, at his own diſcretion, an arch in one place, and formed the rudiments of a dome in another, would he have been able to exculpate himſelf from the charge of preſumption? would his arguments have been judged logical, and accepted by the architect as a defence of his conduct? would he have been allowed to be capable of aſcertaining the will of Sir Chriſtopher Wren from his own crude ideas of architectural expediency?

This example may ſufficiently ſhew how inconcluſive Mr. Paley's mode of reaſoning muſt have been pronounced, even if he had applied it in thoſe caſes only, with reſpect to which we do not derive preciſe inſtructions from Revelation. But his argument will ſtill more clearly appear to be altogether inadequate to the ſupport of his rule, when we reflect that notwithſtanding his original ſtatement, that

the will of God is in the firſt place to be collected from the declarations of it contained in the holy ſcriptures, he in fact renders this rule in its application [c] paramount to the directions which God has given to us in the ſcriptures; and authoriſes every man to diſobey the moſt poſitive divine commands whenever, in his opinion, the obſervance of them would, on the whole, be inexpedient. Let us recur to the inſtance by which I have already endeavoured to illuſtrate my argument. Let us ſuppoſe the maſon not only to have commenced an arch and projected a dome without inſtructions, but to have done this contrary to his inſtructions; or to have pulled down an arch and a dome already finiſhed, and making a part of the architect's plan. Let us farther ſuppoſe him to have vindicated his conduct by a repetition of his former defence, and to have continued his juſtification of himſelf in the words, mutatis mutandis, in which Mr. Paley purſues his reaſoning at the commencement of

[c] See the extracts from Mr. Paley, in the latter part of the preceding chapter. An inſtance of Mr. Paley's manner of applying his rule to the interpretation of ſcripture will ſhortly come under conſideration in the ſubſequent pages.

his

his chapter on Utility; " So then my proceed-
" ings are to be eſtimated by their *tendency*.
" *Whatever* is expedient is right. It is the uti-
" lity *alone* of any one of your orders which
" conſtitutes the obligation of it." 'You muſt
'allow too,' he would proceed, 'that every
'order is to be diſregarded, when utility re-
'quires; that with reſpect to every [d] order
'ſuch caſes may occur; and that every [e] man
'is to judge of them for himſelf. Conſequently
'your directions reſpecting the arch and the
'dome appearing to me inexpedient, I was at
'liberty, and even obliged in conſcience, to
'diſobey them.' Would the workman have been heard with patience? Would his temerity have eſcaped a priſon?

The preceding obſervations evince that the proof which Mr. Paley alleges of his principle of general expediency is radically defective. This principle, therefore, together with the whole ſyſtem built upon it, falls to the ground. It might indeed ſtill be eſtabliſhed, if its aſſerters (on whom the onus probandi undeniably lies) were able to ſubſtitute valid arguments in the place of thoſe which have

[d] Paley, P. 411, Vol. II. [e] Paley, P. 142, Vol. II.

been

been ſhewn to be inadmiſſible. The object of ſome of the following chapters will be to ſhew that all endeavours to that purpoſe muſt be fruitleſs; for as in this chapter ſufficient evidence has been produced, that the rule of general expediency has not been proved to be true, in them it will be demonſtrated to be falſe.

CHAP. IV.

ARGUMENTS FURNISHED BY MR. PALEY'S PRINCIPLE AGAINST ITSELF.

I PROPOSE to conſider in this chapter the nature and tendency of the rule of expediency; and to inveſtigate the effects which the general reception of it would apparently produce on the conduct and happineſs of mankind.

After a peruſal of the ſentiments which I have expreſſed concerning the principle of general expediency, my readers will be aware that reaſoning of the ſame kind with that to which I am now about to reſort, would not have much weight with myſelf if it were urged *in ſupport* of a rule of morality. For they muſt neceſſarily perceive, on the one hand, that to examine what effects the admiſſion of Mr. Paley's principle would produce on human happineſs, is, in fact, to examine how far the admiſſion of it would be generally expedient for mankind; and, on the other, are appriſed by what has been already ſaid, that a proof that

its

its reception would probably be beneficial, would not of itſelf be ſufficient to impreſs me with a conviction of its being the criterion of morality. Yet, on the preſent occaſion, arguments of this nature are not only allowable, but important; for though the reſult of the inquiry, were it to evince the probable utility of Mr. Paley's rule, would be inſufficient to prove it true, yet a proof that its reception would be pernicious, would inconteſtably prove it falſe; ſince no principle can be true which is at irreconcileable variance with itſelf. If I ſhall afford ample grounds for apprehending Mr. Paley's rule to be a felo de ſe, to deſtroy itſelf by the inferences which may fairly be deduced from it, I ſhall have adduced an argument againſt it which may to ſome minds be the moſt concluſive of any which can be alleged; and to all, the beſt preparation for an unbiaſſed reception of the reaſoning contained in the two following chapters.

A moraliſt, poſſeſſed, like Mr. Paley, of a ſound and penetrating underſtanding, actuated by a ſincere reverence for the ſcriptures, a firm attachment to virtue, and a decided abhorrence of vice, muſt maintain, if he alſo

concur

concur in Mr. Paley's principle, that in certain poſſible caſes he ſhould deſerve not merely pardon, but approbation, from his fellow-creatures, for actions which are uſually deemed the blackeſt crimes. He muſt maintain that circumſtances [a] may ariſe which ſhall entitle him, on ſcriptural grounds, to the reward of everlaſting glory at the judgement-ſeat of Chriſt, for his rapine, for his hypocriſy, for his perjuries, for his murders, for having betrayed his country, or abjured his God. He muſt maintain that his private opinion of future contingencies is the ſtandard which alone eſtabliſhes the meaning of the plaineſt precepts, and the obligation of the moſt poſitive injunctions, of the goſpel.

From Mr. Paley's conceſſions it muſt be allowed that no one of the caſes deſcribed is too extravagant to be verified by facts, or to be authoriſed by general expediency. But if his previous declarations would have permitted him to aſſert that no crime, ſuch as thoſe which I have ſpecified, can ever be generally

[a] Paley, P. 411, Vol. II.

expedient

expedient (an aſſertion which, on grounds very different from Mr. Paley's, may be firmly eſtabliſhed), his principles would ſtill ſupply a fundamental objection againſt themſelves. For in eſtimating the conſequences which would accrue to human happineſs, from their general reception, they require us to take into the account not only thoſe concluſions which are fairly deducible from them, but thoſe alſo which we may reaſonably ſuppoſe will be inferred, or ſucceſsfully repreſented as inferred, from them by a conſiderable part of mankind. Now, in the firſt place, they would fully juſtify a man to his own conſcience in the commiſſion of any one, or all, of the enormities which I have mentioned, provided he were *perſuaded* of the general utility of his conduct, whether that perſuaſion were the reſult of reaſon, of prejudice, or of fanaticiſm. And, in the ſecond place, it ſurely cannot be doubted that not only fanaticiſm and prejudice, but that reaſon herſelf would continually miſlead him who ſhould argue from Mr. Paley's principle, when it is conſidered that the premiſes, from which his concluſions are to be drawn, are as uncertain in their nature as they are unlimited

in their number; being mere conjectures reſpecting an endleſs train of future conſequences.

We have already ſeen what would be the undeniable and neceſſary fruits of this doctrine when applied by a wiſe and virtuous moraliſt. What then would be its effects when applied by a man poſſeſſed of wiſdom, but deſtitute of virtue; or of virtue, but deſtitute of wiſdom; or equally deficient in both? Would it not be made to aſſume every form under the hand of artifice, and to countenance every practice under the control of paſſion and intereſt? How would it be narrowed and contracted when ſubmitted to the ignorance of the bulk of mankind, ſo little qualified to diſcover and appreciate even apparently obvious cauſes of utility, to foreſee the more direct and immediate conſequences of actions, and to comprehend the moſt ſimple of the deſigns of [b] Providence.

In

[b] Mr. Hume, the original inventor of the rule of general expediency, not only admits theſe conſequences, but has the addreſs to repreſent them as arguments in favour of his ſyſtem. Speaking on this ſubject, he ſays, (Eſſays, London, 1764, P. 298, note, Vol. II.) "It is "wiſely ordained by nature, that private connexions ſhould "commonly

In the light in which we are now contemplating the rule of general expediency, we are to pay particular attention to the uſe likely to be made of it by princes and men in power, ſuppoſing them to have adopted it, as their influence over the happineſs of others is ſo extenſive and ſo great.

Let us conſider then, whether the admiſſion of this rule would not be extremely favourable to deſpotiſm. A monarch is told that there is no ſuch thing as right in oppoſition to general expediency; and he is alſo told that *he* is to judge of that expediency. He can ſcarcely meet with a principle more likely to miſlead himſelf; nor need he wiſh for one more convenient when he is deſirous of impoſing upon others. If he be a good man, conſcious of the purity of his views, and ſtrongly im-

" commonly prevail over univerſal views and conſidera-
" tions:" in other words, that a principal recommendation of the rule is the certainty that it will rarely be obeyed. Without concerning myſelf to inquire whether Mr. Hume has taken the moſt prudent method of defending his principle, I am glad to avail myſelf of his authority, in ſupport of the fact, that the rule of general expediency, if admitted, would, from its very nature, be ſeldom obſerved in practice.

preſſed

preſſed with a conviction of the bleſſings which would ariſe from the ſucceſs of his plans, how eaſily will it vindicate to his own ſatisfaction any line of conduct which he may wiſh to purſue! If he be ambitious and deſigning, it will never fail to ſupply him with ſpecious reaſoning, with which he may dazzle or blind a large proportion at leaſt of his ſubjects, and prevent them from oppoſing with firmneſs and vigour thoſe ſchemes againſt the public liberty, which, either by bold encroachments or by inſidious machinations, he is attempting to carry into effect.

Nor would this principle point more directly, or lead more rapidly, to civil than to religious ſlavery. When the matchleſs benefits of true faith, and the invaluable happineſs of everlaſting ſalvation, were preſſed upon him, how often would an [c] upright monarch be perſuaded

[c] Mr. Paley allows (P. 328, Vol. II.) that, if ſuch concluſions as theſe would follow from his principle, it muſt be given up. That they do reſult from it, appears to me by no means doubtful. And in fact the reader has ſeen that it muſt be given up, if it be probable that ſuch conduct, as theſe concluſions profeſs to authoriſe, would generally follow from its reception. Mr. Paley ſtates, in

ſuaded that general expediency required him to abandon the heretic to the zeal of the miſguided, but well-meaning, prieſt! And how much more frequently would the tyrant and the bigot defend upon this plea the preconcerted ſacrifice of an obnoxious ſect to their rapacity and pride!

A moderate

perfect conformity to his principles (P. 329), that it is lawful for the magiſtrate to interfere in the affairs of religion *whenever* his interference *appears to him* to conduce, by its general tendency, to the public happineſs. Will not ſuch an appearance continually preſent itſelf to the eye of ignorance, of policy, and of enthuſiaſm? In the ſame place, and in the pages immediately preceding and following, Mr. Paley decides on the ſubject in equal contradiction to thoſe dictates of reaſon, which require every man to be permitted to worſhip God quietly in the way which his conſcience preſcribes, while he neither infringes the civil nor the religious rights of his neighbour; and to the general tenor of the goſpel, which reprobates perſecution as being wrong and *unchriſtian in itſelf*, and not becauſe in the long run it would prove unſucceſsful. He authoriſes the magiſtrate to employ any kind of perſecution whatever, if perſuaded that on the whole perſecution is uſeful in eſtabliſhing religious faith. And the only ſecurity which he affords the ſubject againſt perſecution is his declaration to the magiſtrate, that if generally adopted, it would be pernicious, and therefore ought not to be employed by him. However the magiſtrate, if he ſhould be

diſpoſed

A moderate knowledge of hiſtory will teach us that this reaſoning is confirmed by numerous facts. The principle of expediency has been alleged to juſtify ſucceſſive invaſions of the civil and religious rights of mankind, too palpably unjuſt to be vindicated on any other plea. Was it not alleged when the Albigenſes were devoted to the ſword; when the fires of the Inquiſition were kindled? Un-

diſpoſed to adopt Mr. Paley's opinion on the latter point, will not fail to remember, that the ſame inſtructor has expreſsly forewarned him (Vol. II. p. 411.) that "*no* "rule of morality is ſo rigid as not to bend to exceptions; "that theſe exceptions cannot be compriſed within any "previous deſcription; that the obligation of *every* law "depends on its ultimate utility; that this utility has a "finite and determinate value; and conſequently that "caſes may ariſe in which the general tendency is out-"weighed by the enormity of the particular miſchief;" that is to ſay, in which it becomes a duty to diſobey the general moral rule on account of the miſchief that would follow, or muſt be ſuffered to continue, were it obſerved. The magiſtrate, when under the ſtrong preſſure of preſent motives of bigotry or of intereſt, will probably not find much difficulty in perſuading himſelf that the exiſting caſe is one of theſe lawful exceptions. And at any rate he would find this commodious doctrine of exceptions a very happy method of impoſing on the underſtandings of others, and leading them to acquieſce in his plauſible vindication of intolerance and cruelty.

happily for the world, its influence has not declined in modern times. Was it not the foundation of the abominable doctrines of the Jeſuits, of their intriguing counſels as politicians, their unchriſtian compliances as miſſionaries? Have we not recently heard it maintained to vindicate the breaches of faith, and the tyrannical uſurpations, which have blotted out the name of Poland from among the ſtates of Europe? Do we not even yet hear it aſſerted to juſtify the horrors of the ſlave-trade?

I have ſelected the foregoing examples of the probable effects of the reception of this rule, as being capable, from their magnitude, of deſcription and illuſtration. But perhaps I ſhould ſpeak with truth and accuracy were I to affirm that the numberleſs train of evils which would ſpring from the ſame ſource, and infeſt private life, though ſingly not ſufficiently prominent to be characteriſed, would collectively produce an aggregate of miſery greater than all that might ariſe from the inſtances which I have produced.

Upon inquiry I believe it will be found that moſt ſyſtems of oppreſſion have been juſtified,

or palliated, on the principle laid down by Mr. Paley, as being the principle on which a defence of them could be the moſt eaſily attempted.

I anticipate the reply which an advocate for that principle would probably return to the obſervations contained in the preſent chapter. He would allege that all moral rules, ſince they depend in their exerciſe on private judgement, may be miſconſtrued and perverted; that a charge, which may be indiſcriminately urged againſt every ſtandard of morality, is not of itſelf ſufficient to evince the falſehood of any; that I have taken for granted, rather than proved, that the rule propoſed by Mr. Paley is more difficult to be applied, and more liable to be abuſed, than other elementary principles of ethics.

Let us then briefly examine whether the principle of juſtice, which, antecedently to the publications of Mr. Hume and of Mr. Paley, was generally admitted, in argument at leaſt, if not in practice, to be paramount to every other moral conſideration, be expoſed to equal

danger of error and abuſe in the application with the principle of utility.

Juſtice deduces her concluſions from premiſes which are always definite; and, commonly, few and ſimple. Utility muſt reaſon from premiſes avowedly ſubject to no limit; unleſs ſhe can affix a bound to the number and to the extent of that ſeries of conſequences, which may ariſe from the actions reſpecting which ſhe is to decide: conſequences "collateral, remote, immediate, and direct; "as in computing conſequences it makes no "difference in what way or at what diſtance "they enſue[d]." Juſtice reaſons wholly from facts; which are naturally capable of being aſcertained. Utility argues from mere conjectures reſpecting contingencies; which are of courſe incapable of proof. Juſtice lays down a ſyſtem of preciſe and unalterable rules. Utility confeſſes that ſhe can frame "no rules "without exceptions, nor compriſe thoſe ex-"ceptions within any previous deſcription." Let the candid reader judge, from this ſhort

[d] Paley, Vol. I. p. 78.

comparative

comparative ſtatement, whether the principle of juſtice or that of utility affords the greater latitude for error in ſpeculation, as well as the more ample ſcope for abuſe in practice.

Mr. Paley himſelf, in ſome parts of his work, particularly in his chapters on utility and on general rules, ſeems ſtrongly impreſſed with a ſenſe of the miſchiefs which would enſue, if men were permitted to diſobey the commands of juſtice whenever ſuch conduct ſhould appear to them expedient. His argument, in the paſſages to which I allude, coincides with mine in this chapter, and is incompatible with the admiſſion of the principle which he recommends. A ſhort extract will prove the truth of theſe aſſertions. Mr. Paley denies [e] that an oppreſſor may be aſſaſſinated by any one who thinks him "better out of "the way than in it;" becauſe "if you al- "low this excuſe in the preſent inſtance, you "muſt allow it to all who act in the ſame "manner, and from the ſame motive; that is, "you muſt allow every man to kill any one "he meets whom he thinks noxious or uſe-

[e] Paley, P. 73, Vol. I.

" leſs; which, in the event, would be to com-
" mit every man's life and ſafety to the ſpleen,
" fury, and fanaticiſm of his neighbour; a diſ-
" poſition of affairs which would ſoon fill the
" world with miſery and confuſion; and, ere
" long, put an end to human ſociety, if not
" to the human ſpecies." Now, has not Mr. Paley, in theſe words, deſcribed and ſtigmatiſed his own principle? Does not his doctrine of general expediency, which pronounces no moral rule to be free from exceptions, and authoriſes every man to perpetrate whatever *he conceives* to be uſeful, commit the property, the liberty, and the life, of each individual to the ſpleen, fury, and fanaticiſm, of his neighbour; and open wide a door to enormities ſubverſive of ſocial happineſs, and deſtructive of mankind?

I will conclude theſe remarks with requeſting ſuch of my readers as are inclined to adopt Mr. Paley's principle, to take the following queſtions into their ſerious conſideration.

Firſt; does it appear probable, *a priori*, that the Almighty would leave his creatures to the

the guidance of ſo vague and ſo dangerous a rule?

Secondly; if an unprejudiced perſon were to argue from general expediency alone, would not his firſt concluſion be, that this rule of conduct ſhould not be adopted by men?

CHAP. V.

PROOF THAT MR. PALEY'S PRINCIPLE IS IRRECONCILEABLE WITH THE SCRIPTURES.

I PROCEED in the next place to ſhew, according to the method originally propoſed, that the adoption of the rule of general expediency as the ſtandard of morals, is abſolutely incompatible with obedience to ſcripture.

I wiſh, however, previouſly to notice the tendency of that rule to impede the reception of the ſcriptures, and of the religion which they teach, among thoſe who at preſent deny their divine authority. It is a tendency too important to be paſſed over without obſervation.

I willingly admit that Mr. Paley does not lay down, or expreſsly defend, the poſition, that utility is the criterion of religious truth. Yet it is evident, from the paſſages which I have already quoted from his work, as well as from its general tenor, that he maintains utili-

ty,

ty, of which every man is to judge for himſelf, to be the only infallible teſt and criterion of the Divine will. If an infidel then were to undertake ſeriouſly to inveſtigate the truth of Chriſtianity, he ought, in the firſt place, to fix his attention on the determination of this fundamental point, whether the reception of the goſpel would or would not, in his opinion, promote the general happineſs of mankind.—For, according to Mr. Paley's principle, the reſult of his inquiries into that point muſt decide, whether it can be the will of God that the Chriſtian religion ſhould be embraced by men. In other words, the reſult of thoſe inquiries muſt decide whether it be true that the Chriſtian religion has God for its author. If, in examining the queſtion, whether the reception of the goſpel would or would not be uſeful on the whole, he ſhould decide in the affirmative, he muſt conſider all further evidence of every kind concerning the truth of Chriſtianity as uſeleſs; as being of a far inferior nature, and able to add nothing to the conviction already produced by the deciſive teſtimony of general expediency: and he would continue a Chriſtian, unleſs, by entangling himſelf in the labyrinth of remote contingen-

cies, he ſhould think that he diſcovered greater expediency in ſome other ſyſtem; the whole or the *more expedient* parts of which he would then be bound to adopt. But what if he ſhould determine in the negative?— Unbelievers [a] in general profeſs thus to determine; and Mr. Hume, in the latter ſections of his Inquiry into the Natural Hiſtory of Religion, gives on this very ground no obſcure preference even to polytheiſm. He muſt, without heſitation, pronounce our religion an impoſture, although he were to be convinced that all the various teſtimonies, on which its

[a] Warburton, in his Alliance between Church and State, (4th edition, P. 78, note) affirms, that Bayle, Collins, Tindal, Bolingbroke, and *all* the other writers againſt Revelation, except Hobbes, laboured to ſhew the Goſpel-ſyſtem to be in the higheſt degree unreaſonable. A reference to Leland's account of deiſtical writers will ſhew that by the term "unreaſonable" Warburton did mean, or might fairly have meant, inexpedient. He alſo quotes (Alliance, P. 250) ſome expreſſions from Rouſſeau, which ſufficiently indicate that author's opinion: "Chriſtianity "preaches up nothing but ſlavery and dependance. The "ſpirit of it is too favourable to tyranny for her not "always to take the advantage of it. True Chriſtians are "made to be ſlaves, &c." To theſe names that of the celebrated Hiſtorian of the Roman Empire may be added.

truth

truth is uſually reſted by Chriſtians, are ſingly and collectively irrefragable. That the goſpel promiſes to mankind the greateſt of all bleſſings; and bleſſings which fully accord with our ideas of its divine original, no unprejudiced man, who underſtands it, will heſitate to maintain. But as he is far from doing juſtice to the cauſe of Chriſtianity, who repreſents its apparent expediency as the *only* evidence in its favour deſerving of conſideration; ſo is he alſo who inculcates a doctrine, from which that concluſion muſt neceſſarily be deduced.

Theſe obſervations, which ſeem not irrelevant to the general argument, being premiſed, we may now proceed to the immediate object of the preſent chapter.

Though Mr. Paley profeſſes to derive his principle from the will of God, he has not in any part of his work attempted to prove its conformity with the only direct revelation of the Divine will at preſent extant among mankind. This ſomewhat ſingular omiſſion certainly does not make it the leſs neceſſary for his readers to bring his rule to the teſt of holy

writ.

writ. And they will be induced to attend to this trial with ſuſpicious care, when they reflect, that the [b] very criterion of morality, recommended by Mr. Paley, has been employed by the eminent hiſtorian whom I have already

[b] Though Mr. Paley and Mr. Hume agree in aſſuming utility, eſtimated by general tendencies, as the ſtandard of morals, they differ eſſentially with reſpect to the ſource from which they derive that principle, and the ſanctions on which they ground the obligation of conforming to it. Mr. Paley conſiders the rule of general expediency as *flowing from the will of God*, and as *enforced by the certain proſpect of rewards and puniſhments in a future life*. Mr. Hume repreſents it as *ſuggeſted by nature*; and has no inducements to offer in its favour, beſides *the preſent conſequences of adopting or diſregarding it*. Thoſe who have learnt, from the conduct of others and from their own, how frequently the glories and the terrors of another world fail to enſure obedience to the revealed declarations of the will of God, will judge what might be expected from *a ſuggeſtion of nature*, ſanctioned by mere *temporal* motives, when oppoſed to the ſelfiſhneſs and paſſions of men; and will be convinced that whatever be the true principles of morality, the obſervance of them can be ſecured by no ties leſs powerful than thoſe of the goſpel.

It would have been uncandid towards Mr. Paley not to have noticed the above-mentioned difference between himſelf and Mr. Hume; though it is a difference which does not affect my preſent argument.

named

named in a palpable attack on Chriſtianity. Though the principle of utility ought not to be condemned merely becauſe it has been an inſtrument for the ſupport of ſcepticiſm and infidelity in the hands of a Hume, yet this circumſtance naturally raiſes apprehenſions, which even the authority of a Paley ought not to ſilence, and loudly demands the inquiry on which we are about to enter.

The firſt conſideration which will ſtrike an attentive mind is the total ſilence of the Old and New Teſtament on the ſubject of general expediency. In no part[c] whatever of holy writ

[c] The direction "to do good unto all men," will ſcarcely be alleged as a ſcriptural proof of Mr. Paley's principle. It neither commands nor exhorts us, in doing good, to follow our ideas of general expediency, as the ſtandard of moral obligation. It ſimply points out a duty to be performed; and leaves us to collect, from other quarters, the principles on which we are to proceed, and the manner in which the injunction is to be obeyed. So likewiſe the precept, "Love is the fulfilling of the Law," has no reference to the ſubject of the preſent inquiry. It teaches us that benevolence is to be exerciſed on every proper occaſion; but it does not intimate, that we may ſhew our love for one man by infringing the rights of another, if ſuch a ſtep ſhould be ſuggeſted by our conceptions

writ are we directed either expreſsly or by implication to frame our conduct in obedience to this rule. The inſtructions therein contained are, like the duties which they enforce, of two kinds; ſome are preciſe and abſolute, as the injunctions prohibiting idolatry, perjury, and various crimes; others, equally obligatory, are indeterminate, as the precepts enjoining reverence of parents and charity to the poor. With regard to the performance of duties of the firſt claſs, no ſcope is given for the exerciſe of human diſcretion, no deviation allowed as juſtifiable through any conſideration of the conſequences of obeying; man is peremptorily commanded to abſtain from the forbidden act. As to the others, though, in general, we are left to judge of the manner in which they are to be diſcharged, yet it is by no means intimated in Scripture, that our determination is to be governed by the principle ſtated by Mr. Paley: and it will hereafter be ſhewn, on grounds of natural reaſon, that

tions of utility. Similar reaſoning would ſhew, that no argument in favour of general expediency could be drawn from the ſcriptural rule, "to do every thing for the glory of God."

this cannot be conceived to have been in any caſe intended by our Maker.

But, in the next place, the ſilence of the ſcriptures is not the only nor the ſtrongeſt reaſon we have for concluding that Mr. Paley's principle is inconſiſtent with Chriſtianity. Revelation admits of no agreement or parley with a doctrine utterly ſubverſive of the ſpirit and obligation of her precepts. The ſtatement of Mr. Paley's poſitions, which has been given in the ſecond chapter, together with ſome of the remarks made upon them in the fourth, affords inconteſtable proof that, in his opinion, there is no command in holy writ, however plainly expreſſed, however forcibly inculcated, which a man is not permitted, which he is not bound, to violate whenever his blindneſs, his intereſt, his frenzy, induce him to imagine that the violation will ultimately be productive of advantage. Every man is thus inveſted with an unlimited diſpenſing power, authoriſing him to take the government out of the hands of God, and to decide when his laws are proper, and when they are not proper, to be obeyed. Such a diſpenſing power has not hitherto been ad-

mitted among Proteſtants; and it is as little to be tolerated, and as little to be juſtified, on the plea of general expediency as on that of infallibility.

Mr. Paley obſerves concerning honour what he might, with no leſs truth, have affirmed of general expediency, that, " if its unauthoriſed " laws [d] be allowed to create exceptions to di- " vine prohibitions, there is an end of all " morality, as founded on the will of the " Deity; and the obligation of every duty " may at one time or other be diſcharged by " the caprice and fluctuation of faſhion," and, it may be added, by the ſuggeſtions of ſelfiſh ignorance.

It may not be uſeleſs to produce one of the inſtances in Mr. Paley's work, in which an adherence to his principle has led him to concluſions at variance with the ſcriptures.

In his chapter entitled " The Conſidera- " tion of General Conſequences purſued," we meet with the following lines: [e] " From the " principles delivered in this and the two pre-

[d] Page 273, Vol. I.

[e] Page 81, Vol. I.

" ceding

" ceding chapters, a maxim may be explained, " which is in every man's mouth, and in " moſt men's, without meaning, viz. *not to do* " *evil that good may come*—that is, let us not " violate a general rule for the ſake of any " *particular* good conſequences we may ex- " pect—which is *for the moſt part* a ſalutary " *caution*, the advantage *ſeldom* compenſating " for the violation of the rule."

This explanation of the precept is no leſs circumſcribed than the permiſſion of diſcretional exceptions is unauthoriſed. When St. Paul rejects totally, and with abhorrence, the doctrine of doing evil that good may come, and affirms of thoſe who falſely imputed it to him, that their condemnation is juſt; on what ſcriptural grounds can the precept in queſtion be called by ſo light a name as a caution? On what ſcriptural grounds can it be inferred, that the opinion which we may entertain of future conſequences, whether particular or general, will in any caſe abſolve us from obedidience? Let the reader fairly put a caſe to himſelf: let him ſuppoſe that it were in his power to obtain the management of a great empire by means of perfidy and murder; and

that he were perſuaded that the conſequences of his taking thoſe previous ſteps would be on the whole beneficial to mankind. Would he then take them? Would he liſten to the tempter who ſuggeſts to him, "All [f] theſe "things will I give thee if thou wilt fall down "and worſhip me?"

The aſſerter of Mr. Paley's ſyſtem maintains that he ought.

"Nay [g] but, O man, who art thou that re- "plieſt againſt God?"

The utmoſt which Mr. Paley's principle will allow him to affirm of the cleareſt and ſtrongeſt injunctions of ſcripture, even of thoſe which command us to worſhip God and to love him, to abſtain from idolatry, from fraud, from oppreſſion, and from any other crime forbidden either in the decalogue or in other parts of holy writ, is, that they are "*for the* "*moſt part ſalutary cautions, the advantage* "*ſeldom compenſating for the violation of the rule.*" In his opinion times and caſes may occur, of which every man is to judge for

[f] Matt. iv. 9. [g] Rom. ix. 20.

himſelf,

himſelf, when the advantage of breaking the law will preponderate. For " *no* rule [h] of mo- " rality is ſo rigid as to bend to no exceptions; " the obligation of *every* law depends on its " utility; and this utility having a finite and " determinate value, ſituations may ariſe in " which the general tendency is outweighed " by the enormity of the particular miſchief." I am not ſurpriſed, that Mr. Paley ſhould deduce this inference from his opinion reſpecting general expediency; for the former is the natural and neceſſary conſequence of the latter. Yet I cannot but wonder that a religious and conſiderate mind, on arriving at this concluſion, did not inſtantly revolt from the principle from which it flows.

[h] Page 411, Vol. II.

CHAP. VI.

DEMONSTRATIVE REFUTATION OF MR. PALEY'S PRINCIPLE FROM NATURAL REASON.

A FORMER chapter was employed in pointing out the inſufficiency of the proof by which Mr. Paley endeavours to ſupport his propoſed rule of general expediency. My readers may recollect that the circumſtance fatal to his argument, was his not having ſhewn, nor even attempted to ſhew, that man has faculties capable of diſcovering what is generally expedient. It is my preſent purpoſe to evince that the deficient link in the chain of his reaſoning can never be ſupplied.

Mr. Paley having ſtated, as we have already ſeen, that the Almighty makes the ultimate happineſs of his creatures the rule of his conduct, (a poſition which is incontrovertible, if the terms of it be underſtood in their full extent,) immediately propoſes this general plan of Providence as the invariable object of our imitation; as the ſupreme moral ſtandard,

dard, by which we are to regulate all our actions.

But are we to aſſume, as a ſelf-evident propoſition, that the path marked by the ſteps of Omnipotence is the track in which weakneſs and frailty are to tread? Does it admit of no doubt, whether the principle which gives birth to the decrees of eternal wiſdom be the ground on which ſhort-ſighted ignorance may beſt attempt to found its concluſions? Does the infinite diſtance between the Creator and the created afford no room for apprehenſion that the endleſs chain of cauſes and effects, however naked and open to the ſight of God, may be involved in clouds and darkneſs utterly impenetrable to the eye of man: and conſequently that it may be the wiſe purpoſe of Providence that man, inſtead of endeavouring to regulate every action by a direct reference to the great end which the Deity propoſes to himſelf, ſhould fix his attention on other not leſs certain, but leſs extenſive rules of morality, more adapted to his limited faculties, and of courſe more eaſy to be rightly underſtood and applied?

On another occaſion Mr. Paley ſhews himſelf ſufficiently aware, that the general rule by which the diſpenſations of the Almighty are directed cannot be adopted as the guide of human actions. In his chapter on crimes and puniſhments, after ſtating that the object of the Deity, in the infliction of the latter is exactly to proportion the degree of pain to the guilt of the offender, and that of men, merely to prevent crimes, without regard to any ſuch proportion; he remarks, that "[a] it is "natural to demand the reaſon why a diffe-"rent meaſure of puniſhment ſhould be ex-"pected from God, and obſerved by man; "why that rule, which befits the abſolute "and perfect juſtice of the Deity, ſhould not "be the rule which ought to be purſued and "imitated by human laws. The ſolution of "this difficulty muſt be ſought for *in thoſe* "*peculiar attributes of the divine nature*, "which diſtinguiſh the diſpenſations of ſu-"preme wiſdom from the proceedings of hu-"man judicature. A Being, whoſe know-"ledge penetrates every concealment; from "the operation of whoſe will no art or flight

[a] P. 273, Vol. II.

"can

" can eſcape; and in whoſe hands puniſh-
" ment is ſure; ſuch a Being may conduct
" the moral government of his creation, in
" the beſt and wiſeſt manner, by pronouncing
" a law that every crime ſhall finally receive
" a puniſhment proportioned to the guilt
" which it contains, abſtracted from any fo-
" reign conſideration whatever; and may
" teſtify his veracity to the ſpectators of his
" judgements, by carrying this law into ſtrict
" execution. But, when the care of the
" public ſafety is intruſted to men, whoſe
" authority over their fellow-creatures is li-
" mited by defects of power and knowledge;
" from whoſe utmoſt vigilance and ſagacity
" the greateſt offenders often lie hid; whoſe
" wiſeſt precautions and ſpeedieſt purſuit may
" be eluded by artifice or concealment; *a dif-*
" *ferent neceſſity, a new rule, of proceeding*
" *reſults from the very imperfection of their*
" *faculties.*"

Now the divine rule of inflicting puniſh-
ments comes recommended to us by the ſame
ſanction on which the rule of general expe-
diency is propoſed; namely, by the conduct
of the Almighty. Had Mr. Paley originally
employed

employed with reſpect to the latter, the ſame train of reaſoning which he has adopted concerning the former, he could ſcarcely, I think, have failed to diſcern that the imperfection of our faculties, compared with the peculiar attributes of the divine nature, proves the ſame neceſſity for a different rule of human actions in the one caſe as in the other.

From the very principle of divine benevolence, on which Mr. Paley attempts to found his doctrine of general expediency, we muſt be convinced that our Maker would never ſubject his creatures to a rule, which it is impoſſible for them to apply, and conſequently to obey. A moment's reflection may be ſufficient to teach us, that ſuch is the rule [b] propoſed by Mr. Paley. General expediency is an inſtrument not to be wielded by a mortal hand. The nature of general conſequences is

[b] "By preſuming to determine what is fit and what is beneficial, they preſuppoſe more knowledge of the univerſal ſyſtem than man has attained; and therefore depend upon principles too complicated and extenſive for our comprehenſion; and there can be no ſecurity in the conſequence when the premiſes are not underſtood."

Dr. Johnſon's Journey to the Weſtern Iſles, p. 253.

too

too comprehenſive to be embraced by the human underſtanding, too dark to be penetrated by human diſcernment. In contemplating an action, who can form any adequate judgement of its collateral and remote effects making unceaſing approaches towards infinity and eternity? Yet (as Mr. Paley [c] obſerves), "in "computing conſequences, it makes no diffe- "rence in what way or at what diſtance they "enſue." In inſtances the moſt level to our capacities we perceive no more than a part of the effects which may reſult from our conduct; a part perhaps which, in point either of extent or of importance, bears no aſſignable proportion to that which remains unſeen. A faint glimpſe of *particular* expediency is all that can ever be attained by the wiſeſt of men. A view of general utility is the property of God alone; in him alone it is inherent; to created beings it may be incommunicable: but, whether communicable or not, it can never be the foundation of a rule of conduct to thoſe on whom it has not been beſtowed. A proof that general good is highly difficult of inveſtigation would have

[c] Page 78, Vol. I.

rendered

rendered it improbable that mankind ſhould, in all caſes, be required to conſult it: a proof that it is never to be diſcerned demonſtrates the impoſſibility of their being required to conſult it in any.

The deſcription which Mr. Paley [d] gives of his own rule well deſerves our attention. He ſays, after having repreſented the duties of ſtates as much more difficult to be diſcovered than thoſe of private men, that "it is impoſſi-"ble to aſcertain every duty of individuals by "an immediate reference to public utility," for this reaſon among others, "becauſe ſuch refe-"rence is often times too remote for the di-"rection of private conſciences." Yet a reference to public, or, as it is elſewhere called, general utility, is the rule by which alone Mr. Paley maintains that the conſcience of every man in every inſtance is to be directed. Had Mr. Paley ſaid, that ſuch a reference is *always* too remote to aſcertain *any* duty of an individual, or of a nation, he would have given an accurate deſcription of his rule; and a deſcription which would at once have ſhewn it

[d] P. 412, Vol. II.

to

to be ſuch a rule as Providence can never have deſigned to be conſulted by man.

But perhaps it will be ſaid that I have been combating a phantom raiſed by myſelf; that Mr. Paley by no means intended to affirm that our moral conduct is to be guided by an actual view of general expediency in this comprehenſive ſenſe, that view being confeſſedly beyond the reach of our faculties; but that our actions are to be regulated by what appears to us to be expedient, as far as we can diſcern their probable conſequences.

Such an explanation affords no ſupport to Mr. Paley's ſyſtem. It is a confeſſion that we are to look not to *general* expediency, but to an expediency, which, as far as it actually exiſts at all, extends merely to the few, and perhaps unimportant, conſequences which we can diſtinguiſh; in other words, to *particular* expediency, and that of a moſt limited kind.

It will not be difficult to direct the reader's attention to a few concluſive arguments, which will demonſtrate the inadmiſſibility of this rule of particular expediency. Let us, however,

however, previouſly inquire whether it appears to be a rule, the obſervance of which would beſt enable us to promote the divine plan of univerſal good; and whether the duty of obſerving it can be eſtabliſhed on that foundation, on which Mr. Paley's reaſoning in ſupport of his principle avowedly reſts.

In the firſt place, Does the rule under conſideration appear to be ſuch, as would moſt effectually enable us to promote the divine plan of univerſal good? Is the degree of expediency, which we can diſcern, in any caſe ſuch as to juſtify us in inferring that we have a tolerable inſight into general expediency? Surely no one will anſwer in the affirmative. As well might an Abyſſinian pretend to delineate the whole courſe of the Nile, in conſequence of having traced the windings of the infant river for a few miles contiguous to his hut. As well might a fiſherman infer, that his line, which has reached the bottom of the creek in which he exerciſes his trade, is therefore capable of fathoming the depths of the Atlantic. He, who has had ſufficient humility to become convinced how feeble and imperfect are the powers of the ſtrongeſt human

man underſtanding; how inconſiſtent are the concluſions which he forms at one time with thoſe which he deems juſt reſpecting the ſame ſubject at another; how few are the conſequences which he can foreſee, compared with thoſe which are wrapped in obſcurity, will be the moſt ready to confeſs his ignorance of the univerſal effects of his actions.

If this argument wanted confirmation, it might receive it from a view of the moral, to ſay nothing of the natural, government of the world. Even though we are previouſly convinced that the great object of the Almighty is the happineſs of his creatures, in numerous inſtances we ſee very imperfectly, and in many others not at all, how the detail of his operations conduces to the end which he has in view. Sometimes preſumptuous ignorance would lead us to imagine that we perceive circumſtances which militate againſt it, as the permiſſion of moral evil; others wherein there is an appearance of imperfection, as in the late eſtabliſhment and partial diffuſion of Chriſtianity; and numbers which ſeem indifferent to the deſign propoſed, or neither fully nor directly to conduce to it. If then we are

ſo

ſo far from diſcovering the propriety and excellence of the parts of a ſyſtem, which we are certain is framed in exact conformity to the ſtandard of general expediency, we may, the more eaſily be convinced how little our utmoſt ſagacity can diſcover of the ultimate tendency and effects of our conduct; we may be aſſured that we are wholly unqualified to determine whether thoſe actions, which ſeem to further the particular expediency within the reach of our foreſight, would or would not conduce to general good; that the limited knowledge of expediency attainable by the wiſeſt of men is unfit to be adopted as the baſis of moral rectitude; and that, if it were adopted as ſuch, we ſhould very frequently be acting in direct oppoſition to the will of God, at the time when [c] we had fondly perſuaded ourſelves that we were moſt ſtrenuouſly and ſucceſsfully employed in promoting it.

In the next place, Can the duty of obeying the rule in queſtion be in any degree fixed on the foundation, upon which Mr. Paley's ar-

[c] This has particularly been the caſe with religious perſecutors, but by no means with them alone.

gument

gument in behalf of his principle avowedly reſts; that is to ſay, on the will of the Almighty evinced by his conduct? Undoubtedly it cannot. Our knowledge of the attributes of the Deity enables us to aſſert his univerſal benevolence; but our experience of his diſpenſations by no means permits us to affirm that he always thinks fit to act in ſuch a manner as is productive of particular expediency; much leſs to conclude that he wills us always to act in ſuch a manner as we ſuppoſe would be productive of it. This truth appears ſufficiently plain from the conſiderations which have been recently ſtated: but here revelation comes to the aid of reaſon, and precludes all further argument on this ſubject. The Jewiſh Scriptures abound with inſtances of particular evils brought, as it is therein declared, by the hand of the Almighty, on individuals and on nations for their ultimate benefit. And the Goſpel inſtructs us that our heavenly Father has not adopted a different conduct under the Chriſtian diſpenſation. We know that he wiſhes the happineſs of each individual; yet how often does he inflict on his faithful ſervant a particular calamity, the diſappointment of promiſing hopes, bodily diſtempers, mental

 diſability?

diſability? Who would think himſelf authoriſed by his views of expediency in inflicting theſe, or ſimilar calamities? But in the hands of the Almighty occaſional evil is frequently employed, how frequently we know not, as an inſtrument of producing general good: as the drug, which in its own nature contains a deadly poiſon, under the management of the ſkilful phyſician becomes a ſalutary remedy. General good we can affirm to be the uniform object of the divine conduct; particular good we can diſcern *not* to be that object. Conſequently, whatever reaſon we might have for conceiving that we ſhould be bound by the will of God to an invariable purſuit of the former object, if we were able to diſcern it; we can have none for concluding that he wills the latter to be the fixed criterion of our moral conduct.

It appears then that the rule of particular expediency would be far from aſſiſting our endeavours to promote the divine plan of univerſal good; and that it cannot derive ſupport from any reaſoning produced by Mr. Paley in behalf of the principle which he recommends. If it be neceſſary to encounter a rule, equally unattractive

unattractive and defenceleſs, with a plain and direct refutation, the reader is referred to the arguments which have been urged in the fourth and fifth chapters againſt the rule of general expediency. Every one of thoſe arguments applies with the ſame force againſt the one principle as againſt the other; for both principles appear equally calculated to fill the world with oppreſſion and miſery, inſtead of anſwering their profeſſed purpoſe of promoting univerſal happineſs; and equally authoriſe every man to tranſgreſs every command of revelation at his diſcretion.

The remarks contained in the preſent and the three preceding chapters have finally brought us to theſe concluſions.

The principle of morals aſſumed by Mr. Paley, whether that principle be general or particular expediency, is totally devoid of proof. The conduct of the Almighty affords us no ground for inferring that he wills us to regulate our actions by the one or by the other. Reaſon rejects the former as totally inapplicable by man; and each of them as

leading to conſequences ſubverſive of itſelf. And revelation forbids us to liſten to doctrines, either of which arms every man with unlimited authority to violate at his diſcretion her moſt ſacred laws.

PART II.

GENERAL RIGHTS AND OBLIGATIONS OF MEN, DEDUCED FROM REASON AND REVELATION.

CHAP. I.

PRELIMINARY REMARKS ON THE GROUNDS FROM WHICH THE PRINCIPLES OF HUMAN CONDUCT ARE TO BE DERIVED BY NATURAL REASON — STATEMENT OF CERTAIN PRINCIPLES.

It has been demonſtrated in the former part of this treatiſe that general expediency is not the principle from which reaſon is to deduce moral concluſions; and the queſtion immediately ariſes, On what grounds is ſhe to proceed?

To this queſtion I ſhall endeavour to give in the following pages a direct and ſatisfactory anſwer. But, before I reply to it, I wiſh ſted-

faſtly to fix one conſideration upon the mind of the reader; namely, that whatever may be the number or the magnitude of the errors contained in the anſwer which I ſhall give, they cannot in any degree affect the validity of the foregoing refutation of the rule of general expediency. That rule, I apprehend, has been proved to be inadmiſſible through its own radical and incurable defects. It cannot, therefore, derive ſupport from the real or ſuppoſed miſtakes in any other ſyſtem; for what has thus been demonſtrated to be falſe can never, by any mode of comparative reaſoning, be rendered true. So that if I ſhould unfortunately prove unable to eſtabliſh to the ſatisfaction of my readers the fundamental principles of morality, which I am about to lay before them, that circumſtance will afford them no ſolid ground for recurring to the ſtandard propoſed by Mr. Paley. In that caſe they will do well to reject both the one and the other, and look elſewhere for a ſafer guide.

A recollection of the erroneous and fatal inferences, which we have ſeen would naturally be derived from a principle loſt in remoteneſs and obſcurity, will materially contribute

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to facilitate our moral reſearches. It will convince us that the utility of the premiſes, from which rules of life are to be drawn, depends on their not taking their riſe from too high a ſource, and on their being accommodated, as far as may be conſiſtent with truth and ſound argument, to the general level of the human capacity. From a view then of the ſituation and nature of man; a being placed on this earth by his Maker, endowed with peculiar gifts, and accountable for the uſe of them; the Divine will, reſpecting his conduct, may, I apprehend, be collected on ſeveral fundamental points; and a number of rules be deduced of eaſy application, and adequate to the purpoſe of directing his ſteps in every caſe on which the goſpel is ſilent; rules, which will not only appear to be ſanctioned by the uniform tenor of revelation, but in return will ſupport and corroborate the injunctions of holy writ.

Mr. Paley having remarked that the will of God, the invariable ſtandard of our conduct, is, in the firſt place, to be ſought in Scripture; (a pre-eminence which the reader will remember Scripture does not practically maintain in

that author's application of his principle;) and, if it cannot be diſcovered therein, is, in the next place, to be collected from general expediency, ſubjoins the following illuſtration; which may perhaps ultimately appear rather to confirm the principles about to be ſtated, than the ſyſtem which it was intended to ſupport.

" [a] An ambaſſador, judging by what he " knows of his ſovereign's diſpoſition, and ar- " guing from what he has obſerved of his " conduct, or is acquainted with of his de- " ſigns, may take his meaſures, in many caſes, " with ſafety; and preſume with great proba- " bility how his maſter would have him act " on moſt occaſions that ariſe: but, if he have " his commiſſion and inſtructions in his " pocket, it would be ſtrange not to look into " them. He will naturally conduct himſelf " by both rules: when his inſtructions are " clear and poſitive, there is an end of all " further deliberation (unleſs, indeed, he ſuſ- " pect their authenticity): where his inſtruc- " tions are ſilent or dubious, he will endea- " vour to ſupply or explain them by what he

[a] P. 63, Vol. I.

" has

"" has been able to collect from other quarters
" of his maſter's general inclination or inten-
"tions."

Where the ambaſſador's inſtructions are clear, without doubt he will implicitly obey them: and where they are ſilent, or afford ambiguous light, it is equally true that he is to ſupply the defect, by conſidering to the beſt of his power what is likely to be his maſter's will. But in the latter caſe, he is not by any means at liberty to govern all his meaſures merely by his own ideas of what may be generally expedient for his country. He knows that his maſter's uniform deſign is to promote the general good of the empire; that deſign he is bound to further, but not by immediately and univerſally taking upon himſelf to judge what proceedings will be moſt beneficial. He revolves in his mind all thoſe particular circumſtances, all thoſe ſpecific facts, which afford a proſpect of ſupplying the deficiency of his inſtructions, by giving him preciſe indications of his ſovereign's will, and conſequently of the line of conduct which he ought to adopt. He reflects that his maſter has uniformly oppoſed the opening of this port, the ſhutting up of

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that river, the impoſition of this duty, the repair of that fortreſs. To theſe points, though omitted in his inſtructions, and to all points clearly analogous to them, he rigidly adheres; perhaps he diſcerns them to be, on the whole, expedient for the empire; but, if he is unable to diſcover them to be ſo, if he imagines that he ſees ſome appearance of the contrary, his conſcience obliges him uniformly to inſiſt upon propoſitions which his reaſon tells him are enjoined by the will of his ſovereign.

In like manner when a Chriſtian, in any particular inſtance, finds himſelf incapable of deriving clear and preciſe inſtructions from his goſpel, as to the mode of proceeding which he ought to purſue; let him not ſeek or hope to remove his doubts by extending his view to a ſubject, which is inconteſtably beyond the reach of his faculties, and can, perhaps, be effectually contemplated only by an infinite mind. Let him, like the ambaſſador, conſider his own peculiar ſituation; let him endeavour to collect the will of his ſovereign on ſome ſpecific and fundamental points; and, from the reſult of his inquiry, deduce ſubordinate rules for the direction of his conduct. There

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is another circumſtance to be taken into the account: the ambaſſador may conceive that his maſter is miſtaken; the Chriſtian will not deem the ſame of his.

It may be neceſſary, before I proceed farther, to obviate an objection, which may perhaps ſuggeſt itſelf to the minds of ſome perſons, againſt the propriety of a part of the inveſtigations into which we are about to enter; againſt ſuch, namely, as relate to the natural rights and obligations of men, conſidered independently of the modifications under which we behold them ſubſiſting in civil ſociety. To us, it may be ſaid, who are happily eſtabliſhed in the enjoyment of a highly advanced and refined ſtate of ſocial union; who have little, if any concern, either with individuals or with nations, except with thoſe who are nearly at the ſame point in the ſcale of civiliſation with ourſelves; what benefit can reſult from examining into the rights and duties of the ſolitary ſavage? It is time that ſuch abſtract and unprofitable ſpeculations, the learned lumber of antiquated moraliſts, ſhould at length be renounced by thoſe, who profeſs to have their eyes open to the actual condition of the world around

around them, and deſire to ſubmit to their cotemporaries leſſons of practical utility. Nay it is, to ſay the leaſt, extremely doubtful, the objector may proceed to affirm, whether all the natural rights, which might be enjoyed by an unconnected individual, do not of themſelves merge and become extinct the inſtant that he enrolls himſelf a member of a community. And hence all diſquiſitions reſpecting them appear the more palpably vain and unproductive.

The latter branch of the objection evidently requires to be conſidered in the firſt place.

The queſtion whether any, and what, natural rights are retained by individuals in civil ſociety, has excited muſt diſcuſſion. By ſome it is maintained that all natural rights are neceſſarily ſurrendered by men who enter into ſocial communities. While others contend, that certain rights, which they ſpecify, are neceſſarily retained in their full force by each individual member of every ſtate. The reaſoning on both ſides of the queſtion has in common been equally theoretical and unſatisfactory. And the ſource of the confuſion

appears

appears to have been an attempt to eſtabliſh a general concluſion reſpecting a ſubject which does not admit of one. The queſtion, it muſt be remembered, is not a ſpeculative enquiry what natural rights it would be moſt adviſable and beneficial for the members of civil ſociety to retain; but what rights they actually do retain. It is not then to be determined by the opinion which a philoſopher may adopt of the benefit or detriment likely to reſult from the ſurrender of all or of any particular natural rights. It is a queſtion reſpecting facts; and reſpecting facts which may vary almoſt without limit in different times and places; and in each particular inſtance it muſt be decided by a reference to the laws and inſtitutions of the community to which the inveſtigation relates. In every community the individuals compoſing it, neceſſarily retain full poſſeſſion of their natural rights, whatever thoſe rights may be, in all reſpects in which no [b] written law, nor any unrecorded uſage having

[b] Thus Sir William Blackſtone ſtates that "political "or civil liberty, which is that of a member of ſociety, "is no other than *natural* liberty *ſo far* reſtrained by "human laws, *and no farther*, as is neceſſary and expe-"dient

having the force of law, has abridged or taken them away. If we reflect on the different ſtages of improvement in which civil ſocieties have exiſted, and do now exiſt, we ſhall find it reaſonable to conclude that they will be frequently diſcriminated each from the other by the different degrees of reſtraint impoſed on the natural rights of their reſpective members. And an appeal to hiſtory, as well as a ſurvey of the preſent ſtate of the ſeveral nations in the old and in the new world with whoſe manners and inſtitutions we are acquainted, will ſubſtantiate the validity of this concluſion. It would be abſurd to ſuppoſe that in any community the natural rights of individuals remain in their original energy; for ſubmiſſion to partial reſtraint is implied in the very nature of civil ſociety. And it is not leſs abſurd to contend that in any community whatever they are completely annihilated. No ſtate, however rigid and deſpotic in its form of government, ever did or could proceed in practice

" dient for the general advantage of the public. Every " man, when he enters into ſociety, gives up *a part* of " his natural liberty." Commentaries, Ed. 10th, Vol. I. P. 125.

to ſuch an extreme of control. No ſtate ever attempted to take away from its members all freedom of ſpeech, all right of employing their time and their talents according to their inclinations, all right of ſelf-defence. It has been ſaid indeed, that all theſe rights, and more eſpecially thoſe relating to ſelf-defence, are derived to the individual from the law of the land; being granted either by its tacit permiſſion, or by its expreſs declaration. This gratuitous aſſertion however, which takes for granted the very point in diſpute, will not appear very reaſonable, if it be made evident, as I truſt it will be, in the following pages, that all the rights in queſtion are of the number of the common rights originally belonging to every man by the gift of God, independently of the exiſtence of the human law. And therefore the law, to which their origin is erroneouſly aſcribed, whatever language it may hold, can be received in this meaning and conſtruction alone; namely, as declaring that in the inſtances under conſideration it does not exact a ſurrender of the natural rights of the individual; but either leaves them totally unconfined, or ſubjects them only to the ſpecified limitations.

It has alſo been maintained, that there are certain natural rights which the individual members of a ſtate cannot in any degree relinquiſh. Perſonal liberty has been placed in this claſs; though no ſatisfactory argument has yet been alleged by thoſe who ſtationed it there to ſhew why he whom they confeſſed capable of binding himſelf to be in certain reſpects at the diſpoſal of a maſter for a day or for a year, might not be competent to bind himſelf, if he ſhould think fit ſo to do, to be at the maſter's diſpoſal in the ſame or in other reſpects even for life. A ſimilar deficiency of proof prevails in the caſe of the other examples commonly produced.

From the preceding remarks it appears manifeſt, that reſearch into the original rights and obligations of unconnected individuals muſt neceſſarily precede all inquiries into the civil duties of men when united in ſociety.—For the only objects, the diſpoſal and arrangement of which can be claimed by any ſociety, are the reſpective rights of its ſeveral members. The materials, therefore, muſt be collected before the fabric can be raiſed.

A reference

A reference to theſe rights and obligations muſt alſo regulate the conduct of the members of the ſame ſociety towards each other, in all caſes, when the goſpel is ſilent, and the laws of the ſociety do not give preciſe directions.

And a ſimilar reference, the goſpel being again ſuppoſed ſilent, muſt govern the behaviour of men towards all individuals not belonging to their own ſociety, nor connected with it by any expreſs or implied engagements.

I ſhall, therefore, in the firſt place, inveſtigate, by a reference to natural reaſon alone, the primitive rights and obligations of mankind. And after having, in the next place, ſhewn that the concluſions deduced by means of that inveſtigation fully accord with the general tenor of Revelation, I ſhall finally point out the principle, on which theſe rights and obligations may be ſuſpended or modified in conſequence of the inſtitution of civil ſociety.

In purſuance of this plan I ſhall begin with endeavouring to prove the truth of the following propoſitions.

I. Every man has originally a right, by the gift of God, to the unreſtrained enjoyment of life and perſonal freedom; and to ſuch a portion of the unappropriated productions of the earth as is neceſſary for his comfortable ſubſiſtance.

II. He, therefore, who deprives another of theſe gifts, or reſtrains him in the enjoyment of them, except ſuch deprivation or reſtraint is ſanctioned by divine authority, is guilty of an act of injuſtice to the individual, and of a ſin againſt God.

III. Every man originally has authority from God to deprive another of theſe giſts, or to reſtrain him in the enjoyment of them in the following caſes, and in thoſe only:

1ſt, When in ſo doing he acts according to the expreſs command of God.

2dly, When he proceeds in ſuch deprivation and reſtraint ſo far, and ſo far only, as is neceſſary for the defence

of

of the gifts of God to himſelf, or in defence of the gifts of God to thoſe whom he is bound by natural ties to protect, or thoſe by whom his aid is ſolicited or deemed acceptable, againſt attacks unauthoriſed by God.

3dly, When he proceeds to ſuch deprivation or reſtraint in conſequence of the conſent of the individual ſuffering it.

IV. Every man ſins againſt God who does not act in ſuch a manner with reſpect to the uſe, defence, and diſpoſal, of his rights, which have been eſtabliſhed in the preceding propoſitions, as he is of opinion will, on the whole, fulfil moſt effectually the purpoſes of his being.

If theſe propoſitions ſhall be ſatisfactorily eſtabliſhed, they will be found to ſettle on ſolid and determinate grounds the obligations of juſtice in all its branches; and to afford a clear inſight into the diſtinguiſhing characteriſtics of thoſe two leading diviſions in moral ſcience, which ethical writers have uſually ſtyled perfect and imperfect rights.

CHAP. II.

THE FIRST AND SECOND PROPOSITIONS PROVED.

THE firſt propoſition to be proved is, that "every man has originally a right, by the gift of God, to the unreſtrained enjoyment of life and perſonal freedom; and to ſuch a portion of the unappropriated productions of the earth as is neceſſary for his comfortable ſubſiſtence."

By the terms perſonal freedom, I muſt always be underſtood to mean freedom from perſonal injury as well as from perſonal reſtraint.

By a right, I mean authority from God for the enjoyment of any particular thing, or for the performance of any particular action; that is to ſay, ſuch authority as excludes the right of interference on the part of other men.—This explanation is ſubjoined for the following

ing reaſon: A perſon may diſpleaſe God, and therefore commit a ſin, in reſolving to retain to himſelf the enjoyment of a particular thing, or to perform a particular action. Yet, at the ſame time, God may have conſtituted him the judge, under the tie of future reſponſibility for his determination, whether he will retain the thing or not? whether he will perform the action or not? In that caſe, however wrongly he may determine, no other perſon is entitled to interpoſe and conſtrain him to act contrary to his own choice. So that, as far as men are concerned, he has authority from God, that is to ſay, *a right* to retain the thing, or to perform the action, if he thinks proper. Thus for example, a perſon is deſired to lend a ſum of money to a deſerving acquaintance who is in ſome temporary diſtreſs. He could do it with perfect eaſe and convenience; but he refuſes. He is then requeſted to remain for a ſhort time in the neighbourhood of the other party, for the purpoſe of aiding the latter with his countenance and advice. This requeſt too he could grant with equal eaſe to himſelf, and advantage to the diſtreſſed man; but he immediately ſets out on a long and unneceſſary journey. Now

we cannot doubt that his conduct was in each inſtance highly diſpleaſing and ſinful in the ſight of God. Yet as God had conſtituted him, and not any other perſon, the judge how he ſhould employ his property and his time, no other perſon could juſtly attempt to conſtrain him to furniſh the loan, or to remain in the neighbourhood; that is to ſay, he had authority from God, or a right, to withhold his money, and to take the journey.

I ſhall alſo occaſionally uſe the term right, after the example of others who have treated on ſimilar ſubjects, to ſignify what in ſtrict propriety is the object of a right; as when it is ſaid that life is one of the rights of man.

Under the expreſſion natural rights, thoſe rights which every individual poſſeſſes independently of the inſtitutions of civil ſociety will hereafter be comprehended.

That duty which conſiſts in abſtaining from infringing the actual rights of others, I ſhall denote by the term Juſtice.

Independently

Independently of any ſocial engagement with others of the human ſpecies, every man finds himſelf poſſeſſed of exiſtence, and of various bodily powers and mental faculties. As he cannot but diſcover the impoſſibility of his having been the author of his own exiſtence and endowments, he muſt become convinced, on very ſlight reflection, that theſe bleſſings are the gifts of a gracious Being, to whoſe power he can affix no limit. He may therefore be aſſured that he has a right to the undiſturbed enjoyment of them as long as it ſhall ſeem meet to God who beſtowed them. As the wiſdom apparent in the viſible conſtitution of nature forbids him to think that the Deity would exert his power in vain, and laviſh his bounty without having an adequate end in view, he may reaſonably conclude that whatever has been conferred on himſelf has been conferred for important purpoſes. When he caſts his eyes around on the reſt of his ſpecies, he perceives that every individual is placed in the ſame general ſituation with himſelf and with each other; namely, that each is poſſeſſed of life and various powers of body and mind, manifeſtly the gifts of the Supreme Being, and no leſs manifeſtly beſtowed for pur-

poſes of importance. The ſame reaſoning therefore may be applied, and evidently ought to be applied, in favour of their rights as in favour of his own; and, if he applies it, he muſt diſcover it to be his duty not to incur the guilt of diſobedience in the eyes of an Almighty Benefactor, and the puniſhment attending his diſpleaſure, by an uncommiſſioned encroachment on his gifts to others; he muſt know that he has no authority to interrupt any of his fellow-creatures in accompliſhing thoſe purpoſes, whatever they may be, for which the common Maker of all called them into being.

He diſcovers, further, that he is in danger of ſpeedily loſing all theſe gifts, unleſs he takes proper meaſures for their preſervation. The natural want of food, and the preſence of fruits capable of ſupplying it, afford him ſufficient grounds for concluding that theſe fruits were formed for the ſupport of his life, and that he has a right to apply them to the uſe for which they were evidently intended by the will of God. And in general, perceiving how admirably different parts of the inanimate creation (which, being incapable of ſenſation,

muſt be incapable of injury) are adapted to obviate the different evils to which he finds himſelf expoſed, and to anſwer the various purpoſes which the natural wiſh for accommodation ſuggeſts, he may very reaſonably infer that God deſigned them for the uſe of man; and may take in conſequence whatever he finds neceſſary, whether it be for food, for raiment, for ſhelter, or defence. He obſerves too that the reſt of mankind have the ſame wants with himſelf, and of courſe the ſame title to the objects by which they are to be removed. From theſe reflections he may juſtly determine, that the fruit which any individual has plucked from the bough, and the tree which he has felled in the foreſt, are eſpecial gifts of God to that individual; and conſequently that neither has he himſelf any more right to interrupt another, nor another to interrupt him, in the quiet enjoyment of theſe or any ſimilar gifts, than either of them would have to diſturb the other in the poſſeſſion of life or freedom[a].

I have

[a] If the foregoing obſervations do not prove (beſides their profeſſed object) that reaſon might convince mankind not only of the exiſtence and ſuperintending care of the Deity, but ultimately of the certainty of future rewards

I have ſaid that a man in a ſtate of nature *might* arrive at a knowledge of his duty by the foregoing train of reaſoning. Whether he *would* thus attain the whole of that knowledge, whether all theſe ſeveral arguments and concluſions (though univerſally within the reach of his faculties, and many of them extremely obvious) would in reality ſuggeſt themſelves to his mind, is a point not materially connected with the preſent inquiry. The object of our inveſtigation is not to diſcover what principles he would be likely to adopt, but what principles he ought to adopt. An acquaintance with the former might ſhew what his conduct probably would be; a knowledge of the latter is the indiſpenſable requiſite to enable us to point out what it ought to be.—However he may permit prejudice and paſſion to warp his opinions and bias his conduct, yet neither can his ſupineneſs nor his violence alter the eſſential difference between right and wrong. To diſplay this difference, to develop the rules of human duty, and place them on

wards and puniſhments, I muſt be underſtood for the preſent to take thoſe points for granted; as I fully agree with Mr. Paley that ſuch a conviction is the only adequate ground of moral obligation.

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their true foundations, is the proper and the only buſineſs of the moraliſt.

The firſt propoſition being eſtabliſhed, it will follow, as it is expreſſed in the ſecond, that "he who deprives another of any of the above-mentioned gifts, or reſtrains him in the enjoyment of them, is guilty, except ſuch deprivation or reſtraint is ſanctioned by divine authority, of an act of injuſtice to the individual, and of a ſin againſt God."

We have ſeen that the natural title of each individual to the quiet enjoyment of life, of perſonal freedom, and of ſuch a portion of the unappropriated productions of the earth as is neceſſary for his comfortable ſubſiſtence, is clear, and full, reſting on the will of God.—A title cannot be ſet aſide, except by authority equal or ſuperior to that by which it was eſtabliſhed. He, therefore, who claims a right forcibly to deprive his neighbour of any of the gifts which God has beſtowed upon him, or to reſtrain him in the uſe of them, is bound to produce at leaſt as ſtrong and as authentic teſtimony of its being the will of God that the deprivation ſhould take place, or the reſtraint

reſtraint be impoſed, as the other can that it ſhould not. And if he preſumes, without the production of ſuch teſtimony, forcibly to interfere with them, he is not only guilty of injuſtice to the individual, but he acts likewiſe in direct defiance of that Being by whom the gifts were beſtowed.

No plea therefore can juſtify a forcible interference with the gifts of God to another except manifeſt authority from God himſelf.

It remains to be conſidered in what caſes ſuch authority can be proved.

CHAP. III.

THE THIRD PROPOSITION PROVED.

In eſtabliſhing the truth of the preceding propoſitions, it has been ſhewn that every man has divine authority for the quiet enjoyment of the gifts which God has beſtowed on him; in other words, that theſe gifts are the actual and excluſive rights of the poſſeſſor. In the preſent chapter it will be proved that in certain caſes one man has divine authority, that is to ſay, a right, to reſtrain another in the enjoyment of theſe gifts, or even to deprive him of them. We ſhould, however, conclude too haſtily were we to infer that rights can ever be oppoſed to, or claſh with, each other. The ſeeming contradiction is eaſy to be obviated. The gifts of God continue to be rights of the poſſeſſor ſo long only as it is the Divine will that he ſhould enjoy them. Whenever in conſequence of expreſs directions from the original donor, or through the conduct of the poſſeſſor, another man has divine

divine authority forcibly to interfere with them, they immediately ceaſe to be rights of the poſſeſſor; and he may conſequently be deprived of them, or be reſtrained in the uſe of them, without a breach of juſtice.

The firſt branch of the third propoſition declares, that "every man has originally divine authority to deprive another of the gifts of God, or to reſtrain him in the enjoyment of them, when in ſo doing he acts according to the expreſs command of God."

It is not neceſſary to enlarge on a poſition, the truth of which no man will diſpute. The reality of ſuch a command is the only point which can ever be queſtioned: and we may ſafely determine that no claim to inſpiration is to be admitted, unleſs it be ſupported by the evidence of ſupernatural powers. For theſe are the only credentials by which the inſpired meſſenger of God can be diſtinguiſhed from the impoſtor; and they are the credentials by which the miſſion of thoſe who have been charged with eſpecial commands from above has in all ages been authenticated.

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The ſecond branch of the propoſition affirms, that " every man has originally divine authority to deprive another of the gifts of God, or to reſtrain him in the enjoyment of them, when he proceeds in ſuch deprivation or reſtraint ſo far, and ſo far only, as is neceſſary for the defence of the gifts of God to himſelf, or in defence of the gifts of God to thoſe whom he is bound by natural ties to protect, or to thoſe by whom his aid is ſolicited, or deemed acceptable, againſt attacks unauthoriſed by God."

It has been ſhewn, without any reference having hitherto been made to the holy Scriptures, that all men are naturally poſſeſſed of certain rights; and further, that an attack on the rights of another would be a ſin againſt God, and an act of injuſtice to the ſufferer.

This will be confeſſed. But perhaps it may be alleged, that theſe conſiderations alone do not prove our actual right of oppoſing by force any ſuch attack; that reſtraining the freedom, and much more endangering the life of another, though an aggreſſor, may be a line of conduct equally unauthoriſed with his own;

own; that, ſuppoſing this to be the caſe, his guilt will be no juſtification of ours; that we may have no more right to kill an aſſaſſin than we have to deſtroy an infectious perſon, who might prove equally fatal to us; that although we muſt lament the approach of either as a ſevere misfortune, juſtice may, nevertheleſs, require that we ſhould patiently ſubmit the event to God, and leave to him the puniſhment of the offender, and the vindication of his own authority.

This fundamental objection to the right of ſelf-defence is not to be obviated merely by urging that the deſtruction of the human race would be the ultimate conſequence of admitting it. We are not allowed to oppoſe our ideas of future conſequences to the direct authority of God. It has been proved that every man has originally that authority for the quiet enjoyment of the gifts beſtowed upon him; and we muſt produce authority equally direct before we preſume forcibly to interfere with them.

In reply then it may be obſerved, that to make the caſe of the infectious perſon parallel

rallel to that of the aſſaſſin, the former ought to have been repreſented as wilfully attempting to injure our health; otherwiſe he cannot be ſaid to make an attack on the gifts which God has conferred on another. Of courſe the inſtance alleged can throw no light on the queſtion, whether a perſon making ſuch an attack may juſtly be reſiſted by force. A proof however of the irrelevance of a particular example does not invalidate the principle which it was intended to illuſtrate. The ſubſequent remarks, it is apprehended, afford a direct anſwer to the doubts expreſſed in the objection, and ſupply the proof which is required.

It has been ſhewn that the various bodily and mental powers poſſeſſed by each individual are the gifts of God; and further, that they are all beſtowed for important purpoſes. Now among theſe powers are ſome which the poſſeſſor may have clearly perceived to be calculated for the defence and preſervation of the reſt. He has already had ſufficient grounds to conclude that the Almighty wills him to protect himſelf, by the uſe of ſuch of the gifts conferred upon him as are applicable

to the end in view, from the injurious effects of hunger, of thirſt, and of inclement ſeaſons. It is obvious, that in conſequence of finding himſelf endowed by his Maker with powers capable of repelling injuries of other kinds, and impreſſed with an inſtinctive averſion to every ſort of pain, he has equally ſubſtantial grounds for concluding himſelf authoriſed to reſiſt injuries in general, by the uſe of ſuch appoſite means of defence as are beſtowed on him. In other words, he may conclude, that for important purpoſes he is inveſted with a right, ſubject to ſuch limitations as the original donor ſhall have already annexed, or ſhall hereafter, at any time, think fit to impoſe, to employ the powers of which he is poſſeſſed in defending himſelf againſt every kind of injury; whether it be likely to ariſe from famine or from nakedneſs, from the violence of a ſavage animal, or from the unwarranted attacks of a ſavage of his own ſpecies. And ſince he can in no caſe defend the divine gifts committed to his charge, without depriving the aggreſſor of ſome of his natural powers, or reſtraining him in the uſe of them; the arguments, which juſtify him in defending himſelf againſt an unauthoriſed attack, evidently juſtify

ſuch deprivation or reſtraint, as far as may be neceſſary for his defence.

He, therefore, who, by invading the rights of another, has met with reſiſtance, and has thereby loſt any of the gifts conferred upon him, his property, his health, his limbs, or his life, muſt impute the loſs wholly to himſelf. He runs upon a weapon pointed againſt him by the hand of God; and the detriment which he receives is to be viewed in the ſame light as if it had been incurred by means of any other incident, which, by God's appointment, is attended with painful or deſtructive conſequences.

To the preceding obſervations ſome important inferences may be ſubjoined.

Firſt: The reaſons, which prove that men are authoriſed by the will of God to reſiſt an aſſailant, apply equally to the caſes of open violence, and of ſecret fraud. Whether the aggreſſor be an avowed enemy, or a pretended friend; whether he attempt in the face of day to aſſaſſinate his neighbour, or by ſtealth to mingle poiſon with his food; the latter

equally ſuſtains an invaſion of his rights, and is equally entitled to repel it by force.

Secondly: The ſame reaſons, which prove that men are authoriſed by the will of God to defend their rights when actually attacked, equally prove them to be authoriſed, when they are ſufficiently aſſured that an attack is intended by another, to lay ſuch previous reſtraints on him as are neceſſary to prevent it; and to continue them ſo long as that neceſſity ſubſiſts.

Thirdly: The ſame reaſons likewiſe juſtify men in taking all neceſſary methods to compel the reſtitution of the freedom, or the property of which they had been unjuſtly deprived; ſuch methods being only a continuation of the reſiſtance which was made, or an exertion of ſuch as might have been made to the original attack. And they equally juſtify the force neceſſary for obtaining what is analogous to reſtitution, an equitable indemnification for ſuch rights as cannot be reſtored.

Fourthly: They apply equally to the defence and recovery of all the actual rights of men, whether originally received from God,

or

or obtained by their own exertions, or (as it will hereafter be ſhewn[a] that rights may be obtained), by the aſſiſtance and conſent of others.

Laſtly: They do not authoriſe any manner of reſiſtance and force beyond what is neceſſary to ſecure men from the effects of the injuſtice offered to them, or impending over them.

It remains to be ſhewn [a]under what circumſtances an individual may be juſtified by the light of nature in uſing force againſt another, for the purpoſe of giving aſſiſtance to a third perſon attacked by the latter.

[a] They, who maintain the exiſtence of a *moral ſenſe*, will rank, among its ſuggeſtions, the deſire of aſſiſting a fellow-creature in diſtreſs; and will conſider *that deſire* as a complete proof that a man has in *all* caſes a natural right, by the will of God, to interpoſe by force in defence of the injured. However difficult it may be for my reader, whoſe benevolence is enlarged by revelation, to decline giving immediate aſſent to this argument; yet he will reflect, that no ſtreſs can be laid upon it, until the exiſtence and authoritative influence of a moral ſenſe, underſtood according to the acceptation of thoſe ethical writers who adopt that ſtandard of morality, be inconteſtably eſtabliſhed.

From our former conclusions it is evident that he cannot be justified in thus interfering in behalf of any one, whom he has good reason to think may be the aggressor; nor in any case in interfering further than is necessary to secure the rights of himself and of those whom he protects.

Under these limitations he may interfere;

First: When the defence of the injured party clearly appears, from the ties of nature to be committed to his vigilance and exertions. Under those circumstances no further indication of the will of Providence is wanting. Such is the situation of a parent with respect to his young children.

Secondly: When his aid is solicited or deemed acceptable by the party aggrieved.

It has been shewn that the latter has a right to impose the necessary restraints on the assailant. The arguments by which this right has been established equally vindicate him in employing the assistance of a fellow-creature and that of an ordinary weapon. If the person, whose

whoſe interference he ſolicits, aſſents to his deſire, the powers of defence belonging to the aſſiſtant, or ſuch of them as are neceſſary to be exerted, are, in fact, lent to the injured party for the purpoſe in view; ſo far they become for a time his, and as ſuch may be employed by him. For as every man has a natural ability to transfer to others the uſe or the poſſeſſion of the divine gifts which he enjoys, (the uſe of thoſe gifts received immediately from God, as his bodily and mental powers; and the poſſeſſion of thoſe acquired, conſiſtently with the will of God, by means of the former, as his food, clothing, and other articles of property,) and alſo to accept a ſimilar transfer from others; ſo he may conclude himſelf authoriſed to avail himſelf of this ability, whenever it can be done without an infringement of the rights of another. In the preſent caſe no infringement can be alledged; the aſſailant having previouſly forfeited, by his aggreſſion, his right to the uſe and enjoyment of his natural powers, ſo far as he deſigned to exert them to the injury of the party attacked. The latter, therefore, has a right to apply for aſſiſtance, and to avail himſelf of it, if granted; and

the perſon to whom application is made has a right to comply with the requeſt.

If the latter ſhould be ſatisfied that his interference is actually deſired by the injured party, it is obviouſly a matter of indifference, whether the means were direct or circuitous by which the deſire was communicated to him; whether it was made known by expreſs declaration, or was collected from circumſtances which ſufficiently implied it.

Thirdly: When his own ſecurity is immediately connected with that of the perſon whom he aſſiſts; as if he is himſelf one of a company attacked by robbers. For the caſe then becomes ſelf-defence.

Fourthly: When his own ſecurity is eventually concerned in repreſſing invaſions of the rights of another; as when the aggreſſors who are now attacking one of his neighbours, will in all likelihood be ſtimulated and emboldened by ſucceſs, if permitted to be ſucceſsful, to attack himſelf. And this ground would almoſt always be ſufficient to juſtify him in giving

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immediate and unſolicited aſſiſtance to a perſon in diſtreſs; even to one who, in conſequence of being ſtunned by a blow, or of any other circumſtance, ſhould be incapable either of aſking aid, or of ſignifying that it would be acceptable. With reſpect indeed to perſons in ſuch a ſituation as this, he might reaſonably conclude that Providence, which wills the rights of a helpleſs child to be protected by its parent, wills their rights to be ſuſtained by every one who has power and opportunity to defend them: and from that conſideration alone might deem himſelf authoriſed to obey the natural impulſe of benevolence. However, the ſafety of his own rights eſſentially depends on the general repreſſion of that violence, which he may reaſonably expect will, on any favourable occaſion, be directed againſt himſelf, if permitted to trample on the rights of thoſe around him.

From the preceding obſervations it is likewiſe evident that any man is juſtified in giving aſſiſtance to another againſt an aſſailant, even though the perſon whom he ſuccours ſhould, from private pique, from confidence in his own proweſs, or from other motives, object to

any

any interference; provided that ſuch a ſtep appears to him requiſite for the defence or recovery of his own rights. He is at all times authoriſed to protect himſelf from injuries, either offered or meditated; and he is not deprived of this right by finding the aggreſſor engaged in outrages againſt others; nor by the clamour of the party attacked, who has no plea for obſtructing him in taking ſuch meaſures as are neceſſary for his own defence againſt injuſtice.

The ſame line of argument will alſo prove that he is equally juſtified in a ſimilar interference for the defence or recovery of the rights of thoſe whom he is bound to protect; and of thoſe by whom his aid is ſolicited or deemed acceptable.

In the laſt branch of the third propoſition it is aſſerted, that every man has originally divine authority to deprive another of the gifts of God, or to reſtrain him in the enjoyment of them, when he proceeds to ſuch deprivation or reſtraint in conſequence of the conſent of the individual ſuffering it.

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This point has already been ſettled. For I have recently had occaſion to ſhew that every man has a right to transfer to another the uſe, or the poſſeſſion, according to the nature of the caſe, of any of the gifts of God which he enjoys, and to accept a ſimilar tranſfer, whenever ſuch a tranſaction can take place without a breach of juſtice towards others; and that whatever is thus transferred [b] becomes one of the actual rights of the party accepting it. And it has alſo been ſhewn in the fourth inference deduced from the firſt branch of this propoſition, that the uſe of force is no leſs juſtifiable for the defence and recovery of thoſe rights which a man has obtained by the aſſiſtance and conſent of others, than of thoſe which he has received immediately from God, or acquired by his own excluſive exertions [c].

[b] A ſubſequent chapter on engagements will point out the circumſtances which are requiſite to give validity to the transfer of a right by promiſe.

[c] The caſes and the manner in which the rights, eſtabliſhed in the preſent and the preceding chapter, ought to be exerciſed, will be inveſtigated under the remaining propoſition.

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In the propoſition which we are conſidering it was affirmed, that no man has a right, in any caſe not included within the limits of thoſe which have been diſcuſſed, to deprive another of the gifts of God, or to reſtrain him in the uſe of them. The truth of the aſſertion may eaſily be eſtabliſhed. For in the proof of the firſt and ſecond propoſitions it was ſhewn, that every one has divine authority for the unmoleſted enjoyment and exerciſe of the gifts which he has received, provided that the Almighty does not expreſsly reſume them, and that they are not ſo employed as to infringe the rights of others. Theſe are the only limitations *immediately* proceeding from the will of God to which the natural rights of men are ſubject. A third limitation, though ſanctioned by divine permiſſion, is the immediate conſequence of the act of man; and takes place when any of God's gifts are voluntarily relinquiſhed or abridged, as to the actual uſe of them, by the poſſeſſor. The rights of deprivation and reſtraint correſponding to the ſeveral limitations occupy the three branches of the third propoſition. And as no limitations except thoſe which have been enumerated are deducible from the firſt and ſecond propoſi-

tions,

tions, or compatible with them, the third propoſition muſt neceſſarily comprehend all the caſes in which a forcible interference with the gifts beſtowed on another has the ſanction of divine authority.

Theſe remarks afford a ſufficient anſwer to any one, who maintains that he is authoriſed thus to interfere in caſes not ſtated nor virtually included in the preſent chapter. It may not however be uſeleſs more particularly to conſider what may be alleged in reply to his claim, ſhould he endeavour to ſupport it on any grounds of expediency; that being the principle on which ſuch a claim, if made, will probably be reſted. On that ſuppoſition he muſt contend, that the right which he aſſerts is a branch of his right,

1. To promote the happineſs of himſelf:

2. Or the happineſs of the individual againſt whom his force is directed:

3. Or the happineſs of ſome other individual:

4. Or

4. Or general happineſs; in other words, general expediency.

On the firſt head it will be ſufficient to obſerve, that a claim ſet up by an uninſpired individual to invade the gifts of God to another, whenever he conceives that ſuch a ſtep will conduce to his own happineſs, is a claim too palpably and immoderately extravagant to deſerve much ſerious notice; it is an inſult to him who conferred thoſe gifts; and is reſiſted by the whole train of reaſoning which has been employed to ſhew that all men poſſeſs the ſame natural rights, and that the rights of every man are at his own diſpoſal. It is a claim which every one may aſſert, which no one can prove, and which never can be admitted until it be eſtabliſhed by proofs the moſt deciſive [d].

If, in the ſecond place, the aggreſſor reſt his claim on the ground of contributing to the

[d] Though individuals have ſeldom the effrontery to allege this plea, yet a plea ſubſtantially the ſame is not unfrequently aſſerted on the part of a nation, under the denomination of the right of promoting the national intereſt, to vindicate oppreſſive proceedings towards foreign powers.

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good of the individual, whoſe rights he is about to invade, can he ſhew that the Almighty has conſtituted him the judge of his neighbour's happineſs? On the contrary, is it not the fact that God has originally left every man to determine what line of conduct will moſt effectually promote his own welfare? Hath it not been ſhewn, that as every man is to be rewarded or puniſhed for the uſe he ſhall have made of the gifts with which God has entruſteſt him, ſo he has divine authority for employing them in any manner which he ſhall think moſt conducive to his happineſs, provided that he does not thereby infringe the rights of any of his fellow-creatures; and for retaining or relinquiſhing them ſolely at his own option? It follows then, that, even if the aſſailant could prove by inconteſtable evidence that the happineſs of the perſon whom he attacks would be in the higheſt degree promoted by the loſs of the rights in queſtion, ſuch a proof would contribute nothing to his own vindication. What though we admit it to be on this account the duty of the other in the ſight of God to reſign them? It is a duty, for the diſcharge of which he is anſwerable only to his God. For it is the poſſeſſor of theſe

rights,

rights, and not the invader of them, whom God has appointed to judge in what cafes it is more advifable that they ſhould be retained, and when it is better that they ſhould be relinquiſhed.

Thirdly: If the aggreſſor maintain his claim on the ground of promoting the happineſs, not of the perſon attacked, but of ſome other individual, or individuals, an application of the preceding obſervations will ſhew that a preſumption, or a conviction, or what their happineſs requires, will not in any degree juſtify his invaſion of the rights of another. If he has no authority to impoſe reſtraints, in order that he may promote the happineſs of the perſon reſtrained, a claim to impoſe them for the benefit of others muſt be, if poſſible, more unreaſonable.

The fourth plea, that of general expediency, has been, I apprehend, completely refuted in the former part of this treatiſe, and may be diſmiſſed without further diſcuſſion.

It may not be improper in this place to inquire whether reſtraints, the original impoſi-

tion,

tion of which was unjuſt, may in any caſes be continued conſiſtently with juſtice.

The principles laid down in the preſent chapter evidently point out the following rule. Reſtraints originally unjuſt may be continued in all caſes which would juſtify the preſent impoſition of them; and in no other.

Thus, if I had unjuſtly taken a ſword from another man, I ſhould be authoriſed to retain it ſo long as I ſhould have ſufficient reaſon to believe that, on receiving it, he would revenge himſelf by plunging it in my breaſt. When his claims were ſatisfied, and no future injury was meditated againſt him, he would not be entitled to deprive me of the gifts which God had conferred upon me; and I ſhould be juſtified in the previous uſe of all neceſſary force to ſecure myſelf from the impending danger.

I will ſubjoin another inſtance, though drawn from civil ſociety, a ſubject which has not yet been inveſtigated, as it relates to a topic much agitated at preſent. The Weſt-Indian negroes, though in general reduced to ſlavery

by unjuſt means, may be detained in that ſtate, as long as there is ſufficient reaſon to believe that, if emancipated, they would maſſacre the planters, or ravage the iſlands.

In all caſes however the foregoing rule preſuppoſes, that it is full and impartial deliberation which has convinced us that the continuance of the reſtraint in queſtion is neceſſary to the defence of the rights of ourſelves, or of thoſe under our protection: for, otherwiſe, we ſhould not be authoriſed now to impoſe it.

If, for example, methods can be deviſed, and I ſee no reaſon why they may not, which may enable us to emancipate the children of the negroes without expoſing our colonies to the above-mentioned injuries, we are bound in juſtice to adopt them. Nor will the plea of defending the rights of ourſelves or others authoriſe us to continue the ſlavery either of children or parents, longer than a *ſerious* and *candid* inquiry *(repeated, if neceſſary, from time to time, and at no long intervals)* convince us that no ſuch means are to be found. Nor will it juſtify us in refraining from immediately adopting

adopting all the preliminary meaſures in our power, which may pave the way for their emancipation, and enable them to be entruſted as ſpeedily as poſſible with the liberty of which they have been deprived.

It remains to be ſhewn how far the principles eſtabliſhed in this and the preceding chapter are applicable to the caſe of thoſe, who, from whatever cauſe, labour under mental incapacity.

It has been obſerved that the various bodily and mental powers, of which each individual finds himſelf poſſeſſed, are gifts of God; and that they are beſtowed on him for important purpoſes, which he is to accompliſh by his own endeavours. Hence it was collected, that he had authority from God for the free and undiſturbed enjoyment, uſe, and diſpoſal of them, while he ſhould refrain from infringing the rights of others. But although this inference be juſt with reſpect to the man who has phyſical ability to underſtand and fulfil the general ends of his being, the proper concluſion may be very different with regard to him who has not. The Almighty has con-

ſerred on a perſon in the latter ſituation certain gifts for important purpoſes; but at the ſame time permits the exiſtence of an obſtacle, which completely diſables him from diſcerning and accompliſhing thoſe purpoſes at preſent. Under theſe circumſtances, unlimited freedom on the part of the poſſeſſor in the diſpoſal or in the uſe of his natural powers cannot be preſumed to be the will of the Supreme Being: for in the firſt place ſuch freedom would be attended with perpetual danger to the rights of others; and for the ſake of defending thoſe rights from attacks, the impoſition of reſtraints upon the party in queſtion would frequently be juſt on the principles already eſtabliſhed, in caſes when it could not have been vindicated towards thoſe, who were able previouſly to anſwer for their actions. But further, reaſon may teach us that the infant, the idiot, the lunatic, together with thoſe who are incidentally and for a time diſordered in their underſtandings by diſeaſe, by terror, by intoxication, or by any other cauſe (for our argument equally applies to all, whoſe mental faculties are actually incomplete or deranged, from whatever ſource thoſe circumſtances may have ariſen, and whether they have proceeded from

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the fault of the perſons in queſtion or not), are to be conſidered as having received their endowments for the ſame general ends, for which ſimilar endowments are beſtowed on their fellow-creatures; and that God wills thoſe gifts, which through the preſent incapacity of the poſſeſſor cannot be properly uſed, to be preſerved ready to be applied to the purpoſes for which they appear originally and generally deſigned. We may therefore conclude, that whenever any one is by nature, or through any incidental circumſtance, phyſically incapable of diſcerning the ends for which the divine gifts were beſtowed on him, and of applying them to thoſe ends (and ſuch is the ſituation of the perſons enumerated above), he is not authoriſed by a wiſe Creator to waſte, to throw away, to injure, or to deſtroy them. On the contrary, we may infer the divine will to be, that theſe gifts ſhould be ſuperintended and preſerved by ſuch perſons as through relationſhip or ſituation are moſt proper to diſcharge the truſt; that whenever the faculties of the poſſeſſor ſhall by the bounty of Providence be matured or reſtored, he may be in a fit ſtate to avail himſelf of the change, and to fulfil the purpoſes

for which it was permitted to take place. On theſe ſuperintendants another no leſs obvious duty devolves, that of diligently endeavouring by all ſeaſonable methods to draw forth the latent powers, and to re-eſtabliſh the diſordered faculties of thoſe, whom Providence has committed to their care. And ſince it may be preſumed that when God lays an obligation upon his creatures, which cannot be diſcharged but by the uſe of certain means, he at the ſame time gives his ſanction to the uſe of them; we may conclude, that whenever our duty with reſpect to perſons, whoſe faculties are imperfect or deranged, cannot be fulfilled without reſorting to force, the uſe of force, temperately and faithfully applied to the end in view, is ſanctioned by divine authority.

Such individuals then as labour under a phyſical incapacity of underſtanding and accompliſhing the apparent purpoſes of their being, have a right to the enjoyment and moderate uſe of the divine gifts, as far as they are properly capable of either; but not to the uncontrolled alienation, or to the laviſh and deſtructive employment of them. And a right

exiſts in others, in thoſe namely whom Nature points out as moſt fit to exerciſe it, of preventing the former by all requiſite means from injuring, or deſtroying, or improperly alienating thoſe gifts; and alſo of enforcing ſuch reſtraints, as appear expedient for the purpoſe of rendering the unfortunate men capable of anſwering the great ends of human exiſtence.

CHAP. IV.

THE FOURTH PROPOSITION PROVED.

THE object of the preceding propoſitions was to aſcertain the extent and the limits of human rights. The courſe of our inquiry led us to an inveſtigation of the crimes which conſiſt in violating thoſe rights; and are therefore not only ſins againſt God, but likewiſe acts of injuſtice towards men. It muſt be obvious however to a perſon of a conſiderate mind, even though he were uninſtructed by Revelation, that there are crimes of another deſcription. For he muſt diſcern, that although he ſhould carefully abſtain from infringing his neighbour's rights, he will aſſuredly incur the diſpleaſure of his Creator, if he does not alſo make a proper uſe of thoſe beſtowed upon himſelf. He cannot conceive himſelf at liberty to employ them in any manner which paſſion, caprice, or inclination may ſuggeſt, with the ſingle exception of not injuring his fellow-creatures; for, as we have already obſerved,

ſerved, the wiſdom and deſign diſplayed in the conſtitution of himſelf, and of every thing around him, muſt teach him that all his bodily and mental powers were beſtowed for important purpoſes. Thoſe purpoſes therefore, under ſuch clear indications of the intention of Providence, he muſt conſider it to be the ſpecial buſineſs of his life to fulfil; and he muſt neceſſarily look on the rights which he has received from the divine bounty as the deſtined inſtruments by which they are to be accompliſhed. Hence he cannot fail, on reflection, to diſcover and acknowledge the truth of the general rule delivered in the fourth propoſition; namely, that "every man ſins againſt God, who does not act in ſuch a manner with reſpect to the uſe, defence, and diſpoſal of the rights which have been eſtabliſhed in the preceding propoſitions, as he is of opinion will, on the whole, fulfil moſt effectually the purpoſes of his being."

This propoſition applies to three diſtinct branches of human conduct. It furniſhes each individual with a rule to be obſerved with regard to the uſe of his rights, to their defence, and to their diſpoſal. On each of

theſe heads it may be proper to beſtow diſtinct conſideration. But as the conduct of every man in the particulars which I have enumerated is to be decided by a reference to the various purpoſes which he was created to fulfil; and as it highly concerns him to avoid, whenever it can be avoided, the neceſſity of forming a haſty determination in the moment of action, ſince a determination thus formed lies under a peculiar riſk of being erroneous; he ought previouſly to impreſs upon his mind adequate ideas of the nature of thoſe purpoſes, and to appreciate, as far as may be, their relative importance. It may be uſeful therefore to endeavour to facilitate ſuch reſearches, by pointing out in a few words ſome of the principal ends of our exiſtence diſcoverable by natural reaſon.

The primary end of the being of every man is obviouſly to promote and ſecure his own final happineſs; an object which he can attain by no other method than by a zealous and faithful obedience to the will of his Maker. He muſt therefore ſee it to be incumbent on him diligently to perform ſuch actions, to acquire ſuch habits, to cheriſh and improve ſuch diſpoſitions,

tions, as he has reaſon to believe will be acceptable to God. Every thing of an oppoſite deſcription it is no leſs evidently his duty ſcrupulouſly to avoid.

There are ſubordinate purpoſes conducive however to the principal one already mentioned, which not only his reaſon, but the very frame and conſtitution of his nature, ſhew that he was formed to anſwer. Theſe are, promoting the final welfare of his fellow-creatures, and their preſent happineſs as well as his own.

In his attention to the general happineſs of others, he will find different individuals pointed out to him by a variety of reaſonable claims as objects of different degrees of his kindneſs and ſolicitude. In proportion as particular perſons are more cloſely connected with him by the ties of kindred and of affection; in proportion as they have heretofore ſhewn kindneſs to himſelf; in proportion as they ſtand more in need of the aſſiſtance which it is in his power to beſtow; in proportion to the force of any or of all of theſe circumſtances, and of others which might be enume-

rated,

rated, he will find himſelf under a more preſſing obligation to ſtudy their preſent and future welfare. Though he is not anſwerable to men if he refuſes to confer upon them thoſe benefits, which he has a diſcretionary right to beſtow or to withhold, he is accountable for that refuſal to his God. For every opportunity of doing good to one of his fellow-creatures without being obliged to omit ſome other duty of equal or of ſuperior importance, is an opportunity afforded him of ſerving his Maker, and thus promoting his own final happineſs; and he is bound never to neglect a fit occaſion of manifeſting his gratitude to heaven for the numerous bleſſings ſpontaneouſly beſtowed upon himſelf by the divine goodneſs, or of promoting, by a conſcientious diſcharge of his duty, the primary end of his exiſtence.

We will now pay ſeparate attention to the three branches of human conduct to which the fourth propoſition relates.

Firſt: The firſt is the duty of man with reſpect to the uſe of his rights. The uſe of rights, as diſtinguiſhed from the defence and diſpoſal

diſpoſal of them, refers principally to food, clothing, exerciſe, amuſement, and the active employments of the bodily and mental powers. To theſe ſeveral particulars one general reflection may be applied, that each of them has a relation, more or leſs direct, to our final happineſs as well as to our preſent comfort; and that each is productive of its peculiar moral trials. Our conduct therefore, with reſpect to each of them, will moſt effectually promote the great purpoſes of our being, if we ſtrictly attend in the caſe of each of them to the ſubordinate deſigns which they are reſpectively intended to anſwer; and carefully guard againſt the temptations, by which, in the uſe of them reſpectively, we are liable to be enſnared.

Food, clothing, and exerciſe, are obviouſly deſigned for the preſervation of our bodily and mental powers in a ſtate of vigour and activity. The dangers attending an improper uſe of the two former are ſufficiently indicated by the example of thoſe who deſtroy their health, debaſe their reaſon, and aggravate their paſſions by the intemperate indulgence of faſtidious and brutiſh appetites; and

by

by the more numerous inſtances of others, who enervate their minds, contract a diſtaſte and averſion to laudable purſuits, and become a prey to the daily ſuggeſtions of vanity, caprice, pride, and envy, through ſolicitude concerning exterior ornaments.

Exerciſe is rarely miſapplied except when it may be regarded as an amuſement: as when perſons whom their property and their ſituation in the world enable to become extenſively beneficial by a right application of their talents, addict themſelves immoderately to the ſports of the field, and lead a life not more uſeful, probably leſs creditable, than that of a huntſman or a game-keeper. The neglect of exerciſe, not uncommon with ſtudious men, and with others who ceaſe to regard it as an amuſement, naturally tends to enfeeble the body and mind, to depreſs the prime of life with the languor and liſtleſſneſs of premature old age; and to preclude old age itſelf from a large portion of that activity, uſefulneſs, and ſatisfaction, with which it might otherwiſe have been crowned.

The natural purpoſe of amuſements is to unbend

unbend the mind; to recruit the languid and wearied faculties for future exertions; and, by diffuſing a placid cheerfulneſs over the ſpirits, to raiſe and improve ſentiments of benevolence to man, and of gratitude to God. The advantages of them will be beſt ſecured, and the correſponding dangers avoided, by taking care that our amuſements be ſuch alone as are perfectly innocent in themſelves, of a virtuous tendency, or at all events not likely to lead us to any criminal action or idle habit; that even theſe be not permitted to occupy too conſiderable a ſhare of our time, nor thoſe portions of it which could moſt commodiouſly be allotted to objects of higher concern; that they be purſued only for their proper end, and eſtimated at no more than their proper value.

The active employment of our bodily and mental powers will appear in the higheſt degree important, if we place before our eyes the comfortleſs and vicious lives of thoſe whoſe time is not occupied in meritorious purſuits; and if we reflect on the daily and ample ſcope which it affords for confirming, extending, and manifeſting our obedience to God,

God, and our zeal for the happineſs of our fellow-creatures. The exertion of our reaſoning faculties is calculated to enable us to attain the knowledge of the attributes of God and of human duty; to eſtabliſh ourſelves and others in the practice of virtue; to acquire ſuch an inſight into the nature and properties of different works of the creation, even beyond the limits of the earth, as will not only impreſs on our minds the fulleſt conviction of the power, wiſdom, and goodneſs of the ſupreme author of the univerſe, but will alſo be of the moſt eſſential ſervice and comfort to men in the concerns and incidents of common life. And in general, our faculties and endowments of every kind are beſt employed in promoting the influence of reaſon and religion, in the encouragement of ſcience, in preventing or redreſſing injuries, in relieving diſtreſs, in diligence in our ſeveral honeſt occupations; and ought particularly to be exerted for the benefit of thoſe, who, by the ties of nature or by other circumſtances, are beſt entitled to our attention. Together with all the vices which are oppoſed to the ſeveral duties here enumerated, we are ſtudiouſly to guard againſt thoſe prejudices and failings to which our reſpective

ſpective profeſſions may more eſpecially incline us; as well as againſt arrogance on account of the poſſeſſions or attainments beſtowed on us, and contempt of others who may in any reſpect appear to be leſs favoured by Providence than ourſelves.

There are few purſuits compatible with juſtice in which we are in greater danger of employing our bodily and mental powers in a reprehenſible manner, than in thoſe of which the acquiſition of property is the object. It would be eaſy to illuſtrate this remark by inſtances which continually take place in civil ſociety. In every tranſaction of buying and ſelling, whether on the large ſcale of commerce, or in the ſmaller kinds of bargain and traffic which occur daily in the intercourſe of common life, each party is expoſed to the temptation of availing himſelf of his neighbour's ignorance, or taking advantage of his neceſſities; the ſeller in particular of uſing improper methods to enhance the value of his goods; and the purchaſer of obtaining poſſeſſion of them, without being ſufficiently aſſured of his ability to complete the payment in reaſonable time, or even to complete it at all;

proceedings which it is not unuſual with men to defend on the plea of *cuſtom*; in other words, on the plea that multitudes act as unjuſtifiably as themſelves.

But whenever an opportunity is opened to any man of acquiring, with his neighbour's conſent, a power over any of the rights of the latter, whether as a purchaſe or as a gift; he is bound not merely to attend to every obligation of juſtice which may ariſe from the circumſtances of the caſe, but ſteadily to bear in mind all the various purpoſes of his being, and to conſider whether he ſhall more effectually promote them by acquiring or by declining the poſſeſſion of the right in queſtion. And, if the acquiſition ſhould appear the leſs likely to favour their accompliſhment, it is his duty reſolutely to withſtand the offer, though it ſhould hold forth proſpects the moſt alluring to his inclinations and paſſions. If he accepts it, when he has reaſon to believe that by ſuch acceptance he in any degree diſqualifies the other from fulfilling, on the whole, the purpoſes of his being; though he does not violate any of the rights of the latter, and therefore is not anſwerable to him for the loſs incurred by the

the ſurrender, yet he commits a ſin in the ſight of God. For it is the will of God that every one of his creatures ſhould accompliſh the ends for which he was made: whoever, therefore, knowingly contributes to diſable his incautious neighbour from fulfilling that will, is himſelf guilty of reſiſting it.

Secondly: The duty of men with reſpect to the defence of their rights is next to be conſidered. The general rule laid down in the fourth propoſition ought to determine an individual, whoſe rights are attacked, whether he ſhould reſiſt or not; and alſo to guide him, if he ſhould judge the former line of conduct incumbent upon him, with regard to the degree and mode of his reſiſtance. The following remarks may perhaps aſſiſt him in forming a juſt deciſion.

It is the natural duty of every man to endeavour to preſerve himſelf in ſuch a ſtate as may beſt enable him to fulfil the will of God; or, in other words, to anſwer thoſe purpoſes for which his Maker called him into being. And ſince Almighty wiſdom beſtows no gift but for an end adequate to the value of that

gift, there is in every caſe a preſumption, antecedent to reaſonings on either ſide of the queſtion, that each right, of which an individual finds himſelf poſſeſſed by the bounty of Providence, is neceſſary to enable him fully to accompliſh the purpoſes of his exiſtence; and conſequently that God wills him to retain it. He therefore ſins againſt God if he ſlights this preſumption, and forbears from reſiſting to the utmoſt of his power, by all requiſite force, every invaſion of his rights; unleſs he is convinced, by a full and impartial conſideration of the benefits likely to reſult from his forbearance as well as from his reſiſtance, that the former meaſure, adopted in a greater or in a leſs degree, will, upon the whole, conduce at leaſt as much as the latter to the ends for which he was created. If his concluſion ſhould be, that the whole, or the more important of theſe ends, will be moſt effectually promoted by a total or a partial forbearance, it is then no leſs his duty to forbear, than it would have been on the contrary ſuppoſition to reſiſt with his utmoſt ability.

Whoever by ſelf-defence, in a caſe wherein ſelf-defence was a duty, has endangered or

loſt his life, or other natural rights, is not chargeable with the guilt of diſqualifying himſelf from fulfilling his Maker's purpoſes; the riſk of ſuch loſs being inſeparable from the reſiſtance which, on the preſent ſuppoſition, God is deemed to enjoin.

But he who reſiſts when his conſcience requires him to abſtain from the defence of his rights, though he is not guilty of injuſtice, and therefore is not anſwerable to the aggreſſor for the detriment which the latter may receive, is anſwerable for it to his Maker; and alſo for the injury which he himſelf may ſuſtain in the conteſt.

The obſervations which have been made under this head obviouſly apply not only to the duty of men with reſpect to the defence of their rights in the moment of invaſion, but likewiſe to their duty with reſpect to uſing force either for preſerving them from meditated injury, or for obtaining the reſtitution of thoſe which have been taken away, or indemnification for their loſs.

The difficulty of deciding whether any or what forcible means ought to be employed for the defence or recovery of rights, attaches to caſes where the different ſubordinate purpoſes of human exiſtence ſeem to interfere with each other, and to require different lines of conduct. Where the principal purpoſe appears at ſtake there is no place for deliberation. Thus every man is bound, not only to have recourſe to reſiſtance at firſt, but to perſevere in it to the laſt extremity, if an attempt be made to deprive him of the liberty of praying to or of praiſing God. For his own final happineſs is the primary end of his being; and thoſe are his primary duties which muſt form the baſis of the intercourſe between himſelf and his Maker. But a perſon engaged in an important litigation, conſidering in the firſt placethe advantage which his children would derive from his ſucceſs, and the ſmall chance of his living to provide for them by other means; and afterwards weighing the probable expence of the conteſt, and the riſk of being finally diſappointed by the death or abſence of witneſſes, may find it no eaſy matter to determine whether it be his duty to perſiſt in the

the ſuit or to relinquiſh it. So likewiſe a clergyman, who diſcovers himſelf entitled to more ample tithes than he receives, may reaſonably be in doubt, whether his obligation on the one hand to avoid all interruption of the harmony between himſelf and his flock (an interruption which ſo frequently reſults from the inſtitution of tithes, as perhaps to furniſh a deciſive argument againſt the propriety of that mode of ſupporting the clergy), or his duty, on the other hand, to his ſucceſſors and to his family, ſhould determine him to abſtain from, or to reſort to, compulſory means of recovering his legal rights. Impartial attention to our general rule is the only method of ſettling theſe and ſimilar doubts.

Thirdly: By the duty of men, with regard to the diſpoſal of rights, I mean their duty with reſpect to voluntarily modifying, abridging, or relinquiſhing, their rights, [a] when no force is exerted or known to be meditated againſt them. A faithful application of the

[a] This limiting clauſe is inſerted, as the duty of men with reſpect to the ſurrender of rights actually attacked or endangered has been conſidered under the preceding head.

rule ſtated in the fourth propoſition will reſolve all caſes of this nature; and many of the remarks which have already been made in the courſe of this chapter are ſo obviouſly transferable to the preſent ſubject, that I need not take up my reader's time by pointing them out particularly. I will therefore conclude with obſerving, that thoſe rights, which no man can reſign without endangering the accompliſhment of the principal purpoſe of his being, cannot in any caſe be reſigned without offending God; and that all rights by which the poſſeſſor finds himſelf obſtructed in fulfilling that purpoſe, ought without delay to be relinquiſhed, however conducive they may appear to the ſubordinate ends of his exiſtence. Thus no man can be juſtified in ſurrendering into other hands the direction of his religious creed and of his conſcience; nor for retaining an office conducive in many reſpects to his preſent happineſs, and affording him frequent opportunities of promoting that of others, if he perceives his continuance in it to be irreconcileable with the diſcharge of his primary duties to God.

CHAP. V.

THE PRECEDING PROPOSITIONS SHEWN TO BE CONFIRMED BY THE SCRIPTURES.

THE principles which have been deduced in the three preceding chapters from the light of unaſſiſted reaſon, will acquire, if they are ſhewn to be ſanctioned by the ſcriptures, a degree of authority, without which they would comparatively deſerve little attention. For although the ſacred writings, leaving ample room for the exerciſe of conſcientious deliberation on points of morality, do not enter into ſyſtematic details concerning the many ſubordinate branches of human duty; yet they ſo clearly diſcover both the grounds of moral obligation, and the fundamental outlines of moral practice, that no ethical writer who believes in their divine origin has any juſt reaſon to place confidence in the principles and rules of conduct which he propoſes, until he has brought thoſe principles and rules to the teſt of holy writ, and is ſatisfied that they accord throughout

throughout with the revealed will of God. I ſhall, therefore, briefly endeavour to prove that the ſeveral propoſitions which have been already ſtated, are ſanctioned either by the unequivocal declarations, or by the general tenor of the ſcriptures, before I proceed to derive from them any further concluſions.

In the firſt place, the ſcriptures teach us, in concurrence with the firſt of thoſe propoſitions, that exiſtence, with every bodily power and mental faculty poſſeſſed by each individual, was beſtowed upon him by the bountiful hand of God. They alſo declare in general terms, which convey the ſame natural rights to every individual, being addreſſed to the firſt parents of mankind as the repreſentatives of the human race, that the earth, under which term its various productions are manifeſtly comprehended, was delivered unto man to be *ſubdued* by him; that is, to be employed for the relief of his wants, and the gratification of his reaſonable deſires. He was inveſted with an expreſs right of applying the vegetable creation (a ſingle exception being made, with the object of which he did not long continue to be converſant) to the purpoſe of his ſuſtenance; and

and at a ſubſequent period he received ſimilar authority over the whole animal [a] world, which had not originally been ſubjected to his unlimited dominion. This additional charter of human rights, flowing, like the former, from the ſpontaneous bounty of the great Lord of all creation, was plainly addreſſed to Noah and the other ſurvivors of the deluge not merely as private individuals, but as the repreſentatives

[a] As animals are evidently ſuſceptible of pain and injury, man, uninſtructed by revelation, could not have had the leaſt right to exerciſe any authority over them. To reſtrain them in the enjoyment, much more to deprive them of the poſſeſſion, of thoſe gifts which his and their Maker had ſeen it good to beſtow upon them, would have been in every caſe, except in the defence of himſelf or of others againſt their attacks, an act of uſurpation, and a ſin againſt that Power, who, for wiſe ends known to himſelf, had called them into exiſtence. This reaſoning appears to be confirmed by the method of proceeding which the Almighty thought fit in two inſtances to adopt; namely, by his at firſt beſtowing on men dominion over animals by an expreſs and unequivocal declaration; and afterwards by his imparting to men a further power of uſing them as food, by a declaration no leſs clear and poſitive. For theſe circumſtances ſeem pointedly to indicate, that, without ſuch a revelation of the will of the Supreme Being, men would have had no right of ſovereignty over other living creatures; and that their right in no caſe extended further than his ſpecial permiſſion expreſſed.

of

of their future deſcendants; and was deſigned to convey the ſame rights to each of thoſe deſcendants which it beſtowed on the perſons to whom it was originally made known.

Further; the ſcriptures have for their principal object the inculcation of this fundamental truth; that every man is placed upon earth by his Maker to work out his ſalvation, under God's bleſſing, by his own actions.

And ſince they teach us that the reward or puniſhment of every man will be increaſed in proportion to the manner in which he employs each of the means of action of which he is poſſeſſed, they neceſſarily and inconteſtably imply that his conduct ſhould be free, except in caſes in which it is reſtrained by the authority of his Maker: in other words (as it was aſſerted in the ſecond propoſition), that he is guilty of a ſin againſt God who deprives another of any of the gifts of God, or reſtrains him in the enjoyment of them, except he has authority from God for ſo doing: and that he is alſo guilty of an act of injuſtice to the perſon thus deprived or reſtrained.

To proceed: the ſcriptures expreſsly aſſure us that the perfections of the Deity, more eſpecially his power, his wiſdom, and his goodneſs, are viſible in his works, and are particularly conſpicuous in the formation of man; that his gifts to man are all of them valuable and important, all calculated for ſpecific purpoſes, and intended to be diligently employed. They continually inculcate on every individual, that it is his duty to uſe theſe gifts in ſuch a manner as may beſt enable him to fulfil the ends for which he was made; namely, to promote and ſecure his own final welfare, together with the final welfare of others, and their preſent happineſs as well as his own. Now as theſe are the principles on which the reaſoning urged in the two preceding chapters in ſupport of the third and fourth propoſitions is founded, it follows that thoſe chapters have ſcriptural authority for their baſis. For a proof that the particular concluſions which have been deduced in them are confirmed by the whole tenor of ſcripture, if my reader is well acquainted with his Bible, I will appeal to his own knowledge: if he is not, I refer myſelf to his future conviction, when better reaſons than a deſire to ſatisfy himſelf as to the

proof

proof in queſtion ſhall have diſpoſed him to a diligent ſtudy of thoſe laws of God, according to which he ought to govern his whole conduct now, and muſt inevitably be judged hereafter.

I will dwell on this ſubject no longer than while I obviate the force of a queſtion which may be aſked, and which ſome men, I fear, would be glad to think unanſwerable: "You "have proved," it may, perhaps, be ſaid, "that the great rules of human conduct con- "tained in the ſcriptures are diſcoverable by "the light of unaſſiſted reaſon. Where then "was the neceſſity for the Chriſtian revela- "tion?" The Chriſtian revelation, I reply, was neceſſary, that thoſe rules of life, which none but the wiſeſt would have deduced for themſelves, and even they but imperfectly, might be placed at once before the bulk of mankind, expreſſed in the plaineſt language, founded on the moſt undoubted authority, and recommended by the moſt perſuaſive example. It was neceſſary, for the purpoſe of inſpiring men with gratitude to God, and of enforcing upon them the practice of the various duties of forbearance (a practice the moſt ungrateful

grateful to their natural paſſions), by convincing them of their fallen degraded ſtate, and of their Maker's unſpeakable condeſcenſion and kindneſs in the means of their recovery from it, by the death and ſacrifice of Jeſus Chriſt, and by the ſanctifying aid of the Holy Spirit. And laſtly, it was neceſſary, in order to fix on immovable foundations that corner-ſtone, on which the whole fabric of our reaſoning has been built; the certainty of a future ſtate of retribution, in which every individual will be rewarded or puniſhed in exact proportion to his deeds.

CHAP. VI.

ON INDEMNIFICATION.

SEVERAL topics, which either have been curſorily noticed in the foregoing chapters, or are immediately deducible from the principles which have been maintained, may not improperly receive diſtinct conſideration; as they involve very material points of moral duty, and it is therefore of importance that their true nature ſhould be accurately underſtood. The ſubjects to which I allude are indemnification, puniſhment, ſlavery, property, and engagements.

By indemnification I mean the receiving of an equivalent for an injury ſuſtained.

The right which an injured perſon has to indemnification, and the means by which it may juſtly be enforced, have already been ſhewn in the third chapter. The manner in which the claim is to be ſatisfied will appear from a review of the following caſes:

1ſt.

1ſt. Let us ſuppoſe the party aggrieved to have been injured in his property alone, and the aggreſſor to be poſſeſſed of property ſufficient for the purpoſe of compenſation. Under theſe circumſtances the fit mode of retribution is obvious.

2dly. But if the aggreſſor is deſtitute of property, or unable, even by the ſurrender of his whole ſubſtance, to ſatisfy the juſt demand of the man whom he has injured, how is he to complete the equivalent? He muſt appropriate to the uſe of the latter ſuch a portion of the other gifts which God has beſtowed upon him, ſuch a portion of his ſtrength, or of his induſtry, or of his ſkill, as will anſwer the remaining claim. What he cannot pay with his property he muſt pay with his ſervice.

In this caſe, although the injured perſon may compel the aggreſſor to perform the requiſite ſervice, yet he has not neceſſarily a right to oblige the innocent family of the latter to co-operate in it. The aggreſſor, as far as he is poſſeſſed of ſuch a right, may be deprived of it by the other, ſince all his actual

rights are ſubject to the unſatisfied claim of the injured party.

3dly. Suppoſe the injured party to have incurred expenſe and loſs of time in the defence of his rights, or in endeavours neceſſary for the recovery of them.

Theſe are injuries brought upon him by the wilful act of the aſſailant; and the ſufferer has conſequently a right to be indemnified. The particulars are reducible to computation, and an equivalent in property, or in ſervice, may be preciſely aſcertained. Of courſe the reaſoning on the foregoing caſes is applicable to this.

4thly. Suppoſe the party aggrieved to have undergone bodily pain or injury, or ſevere anxiety of mind, in conſequence of the attack which he has ſuſtained.

He had originally the ſame title to freedom from injury in theſe points as in his property; and conſequently has the ſame right to indemnification in the one caſe as in the other: and indemnification in theſe, as in all inſtances,

ſtances, muſt be rendered in property or in ſervice.

It is evident that in the caſe of unconnected individuals, where the perſon who had received the injury would judge for himſelf of the requiſite compenſation, as well as enforce the diſcharge of it, the exerciſe of this right would be puſhed to unwarrantable lengths, and marked with caprice, violence, and outrage. It is equally evident that the computation of a fair equivalent, for the injuries now under conſideration, would be a matter of no ſmall difficulty even to an unprejudiced byſtander. But theſe circumſtances do not invalidate the right itſelf, however they may indicate the duty of caution in the exerciſe of it. A right does not ceaſe to be ſo becauſe it may be abuſed; nor becauſe the demand which it authoriſes in particular inſtances may not eaſily be aſcertained with preciſion. Yet the computer is not entirely without land-marks to direct him. He may diſcern this recompenſe to fall ſhort of what may fairly be claimed, and that to exceed it. A baſket of apples would be an inadequate compenſation for the loſs of a finger; and a herd of oxen

might be more than an equivalent. He is to diſcover, as nearly as may be, the juſt medium between the two extremes; and he is anſwerable to his Maker for an impartial judgement.

Indemnification may be demanded for the injuries ſuſtained by the family of the party aggrieved in conſequence of the attack made upon him, as far as the aggreſſor muſt reaſonably be ſuppoſed bound to have foreſeen that they would, or probably might, take place; for ſo far they muſt be conſidered as intentional injuries. This reaſoning applies with ſtill greater force where they are known to have been intended.

In each of the preceding caſes it is poſſible that the injury ſuſtained may be ſo great, that all the exiſting rights of the aggreſſor, which, when transferred, would be valuable to the ſufferer, may fall ſhort of being a fair compenſation for it. While circumſtances continue in this ſtate, the latter cannot be fully indemnified; but he retains a right to exact the remainder of the debt, whenever the aſſailant ſhall be enabled, by a change in his ſituation, to diſcharge it.

With reſpect to enforcing or waving the right to indemnification in any particular caſe or degree, the injured perſon is bound in the ſight of God to adopt that line of conduct which he apprehends will, on the whole, moſt effectually forward the purpoſes of his being. And in forming his judgement on this point, the advantage of the aggreſſor, with reſpect to the purpoſes which he alſo was created to accompliſh, ought to be no inconſiderable object.

CHAP. VII.

ON PUNISHMENT.

HE who has obtained, by reſtitution or indemnification, complete ſatisfaction for the injuries which he has ſuffered, has no further claim on the aggreſſor, except for ſecurity againſt future violence, when it is on good grounds ſuppoſed to be intended. He has the ſame claim upon any man whom he believes to meditate an invaſion of his rights, although he may never have invaded them hitherto. And it has already been proved, that every man has authority from God previouſly to deprive another of the gifts conferred on him by providence, or to reſtrain him in the uſe of them, ſo far as is neceſſary for ſecuring himſelf from the propoſed attacks of the latter; in other words, that every man, who has ſufficient reaſon to believe that another individual meditates an unjuſt attempt againſt him, has a right to inflict on that individual ſuch puniſhment as is neceſſary to prevent him from proſecuting his deſign.

In

In ſome caſes ſecurity cannot be attained without inflicting ſuch a puniſhment as abſolutely deprives the aggreſſor of the power of committing the meditated outrage. In others (and theſe, fortunately for mankind, are the more numerous) the end may be ſufficiently anſwered by meaſures leſs violent, which, in all probability, will deter the criminal from his purpoſe, though they do not proceed to the extent of diſabling him from accompliſhing it.

Since the right of puniſhment is merely a branch of the right of defence againſt an aggreſſor, it follows, from the poſitions which were eſtabliſhed in the diſcuſſion of that right, that it may be exerciſed, if occaſion requires, by any individual on behalf of another, againſt whom an unjuſt attack is commenced or meditated, whenever the aſſiſtance of the former is naturally due to the latter, or deſired by him; and whenever the former apprehends that the defence of the latter is neceſſary for his own preſent or future ſecurity.

The juſtice of human puniſhments can originally be maintained on no other principles

than thoſe on which it has been aſſerted in the preſent chapter. It has indeed been ſometimes maintained on other grounds, which a very few words may ſhew to have been wholly unſubſtantial and deluſive.

To puniſh by way of inflicting vengeance for crimes is to uſurp the prerogative of God.

The idea of inflicting puniſhment by way of indemnification, or in lieu of it, is too abſurd to merit much attention. Puniſhment, as ſuch, can never conſtitute indemnification; inflicted with this view, it muſt be nugatory, and would therefore be an unauthoriſed attack. It may, however, be impoſed when it is neceſſary for the recovery of indemnification from an aggreſſor, who refuſes the ſatisfaction which he owes, and which he is able to give.

Of all the erroneous notions reſpecting puniſhment, no one is ſo prevalent as the idea, that natural juſtice authoriſes the infliction of it on criminals for the purpoſe of deterring others from becoming ſo. The aſſertion of a right to puniſh on this ground is directly repugnant to the principles which have been eſtabliſhed in the third chapter, and indeed is never

never ſupported by any thing which has even the ſemblance of ſolid argument. The ſource of the error appears to have been the want of diſcriminating between the right of inflicting puniſhment, and another right totally diſtinct from it, namely, that of ſelecting one particular *mode* of puniſhment rather than another. No man can juſtly be *puniſhed* for the *purpoſe* of deterring others from offending; for that would be to puniſh him not for his own fault, (the only ground on which the juſtice of human puniſhment can originally be reſted) but either for no man's fault, or for that of others. On the other hand, if two *modes* of puniſhment, juſtifiable according to the principles which have been ſtated above, ſuggeſt themſelves to the mind of the perſon injured, either of which would anſwer his purpoſe; he is not only at liberty, but he is alſo bound in the ſight of God to adopt that mode, which appears to him the moſt likely to deter others from engaging in criminal undertakings. Inſtead of being puniſhed with ſtripes, let the offender be bound to a tree by the wayſide, characteriſed by ſymbols of his guilt, if the dread of diſgrace appear more likely to impreſs the ſpectators with abhorrence of the crime,

than

than the apprehenſion of corporal chaſtiſement.

It is alſo the duty of every man in the ſight of God to exert the right of puniſhment, or to forbear from exerciſing it, in any particular inſtance, according as he is perſuaded that ſuch exertion or forbearance will moſt effectually promote the great purpoſes of his being. And in forming his judgement on theſe points, as well as in determining the mode of puniſhment to be adopted, it is his duty to conſult the ends for which the aggreſſor was created, as far as is conſiſtent with the other conſiderations which he is to take into the account.

CHAP. VIII.

OF SLAVERY—APPLICATION OF PRINCIPLES WHICH HAVE BEEN ESTABLISHED TO THE AFRICAN SLAVE TRADE.

By ſlavery I mean the condition of a perſon who is compelled to labour at the will of another, without any previous contract.

Agreeably to natural juſtice, an individual may be reduced by force to this condition on two accounts:

1ſt. For Indemnification.

2dly. For Puniſhment.

The cauſes which may entitle one man to force another into ſlavery, for the ſake of indemnification or of puniſhment, and the circumſtances which ſhould determine him to exert or to wave his right, have already been diſcuſſed in the two preceding chapters. The ſlavery in theſe caſes muſt ceaſe as ſoon as the

the juſt purpoſes for which it was impoſed are obtained. Until theſe are accompliſhed, the right of the impoſer remains unaltered.

The exerciſe of this right during the whole, or any part, of its continuance may be[a] tranſferred by the poſſeſſor to another perſon. It is however obvious that the transfer can convey no juſt power beyond either the extent or the duration of the right which exiſted in the former owner. Nor does the valuable conſideration, which may be given for the ſlave by the new poſſeſſor, make any alteration in that reſpect. The buyer cannot acquire what the ſeller has no right to diſpoſe of.

No man can be juſtified in wilfully contributing, either in the capacity of purchaſer, or of agent, or in any other way, to detain a perſon in ſlavery who has *in fact* acted in ſuch a manner as completely to vindicate the condition in which he is held, unleſs previouſly to his taking a ſingle ſtep for that purpoſe as purchaſer, agent, or otherwiſe, he is convinced in his conſcience on grounds ſufficiently ſtrong that this is the caſe. In a conteſt between

[a] See page 103, ſupra.

two

two individuals, I ſhould not be juſtified in aſſiſting one of them to bind, maim, or kill the other, though the aggreſſor; unleſs it were previouſly ſhewn to my ſatisfaction that he was ſo, and that the violent meaſure propoſed was neceſſary for the defence of the injured party. The application is eaſy.

That he who has taken his enemy captive in a conflict has a right to doom him to ſlavery, is by no means a neceſſary conſequence. It is idle to ſay that he might take the life of his conquered antagoniſt, and is therefore merciful in exacting only his labour. Let him eſtabliſh the premiſes before he deduces the concluſion. The only way in which he can eſtabliſh them is by proving the death of his priſoner to be requiſite for the reaſonable ſecurity of himſelf, or of thoſe whom he has a right to protect, againſt future injuries apprehended on ſufficient grounds from the other. It is almoſt needleſs to obſerve that ſuch a plea can very rarely be alleged with truth by warriors of any age or nation, who conſult their reaſon rather than their paſſions; and that reflections on the intereſted motives which are likely to ſuggeſt it, and a deep

ſenſe

ſenſe of the value of life to each individual, ought to prevent it from being admitted in any poſſible caſe, without the fulleſt proof of the neceſſity deſcribed. The argument ſtated above, is that which is generally urged to vindicate the enſlaving of priſoners taken in war; but let it ever be remembered, that all which the conqueror can claim from his captive is reparation for paſt injuries, and reaſonable ſecurity againſt future violence. If he find it eſſential to the attainment of theſe ends that the other ſhould be reduced to ſlavery for a longer or a ſhorter time, he has then, and then only, a right to enſlave him. The right, however, is neither created nor extended by his having captured the other party; though that is the circumſtance which happens to enable him to exert it.

The poſitions which have been eſtabliſhed will furniſh a ready ſolution of the doubts not unfrequently entertained, whether ſlaves retain a right to acquire or to hold property. The ſtate of ſlavery does not neceſſarily involve the forfeiture of thoſe natural rights. If the juſt ends of indemnification and puniſhment cannot be accompliſhed without depriving

ing the ſlave of them, as well as of his liberty, they may be taken away; otherwiſe he continues to poſſeſs them.

If the ſlave refuſe to render to his owner the labour which is actually his due, it may juſtly be exacted by the uſe of all requiſite puniſhment.

In no caſe can the maſter have a right to the labour of the guiltleſs family of the ſlave further than the ſlave himſelf is entitled to it. Whatever right the ſlave may poſſeſs to the ſervice of his children is liable, like any other of his rights, to be forfeited; and may be claimed and exerciſed by the maſter, as far as he finds that meaſure neceſſary for ſecuring the juſt purpoſes of puniſhment and indemnification, which the former aggreſſions of the ſlave entitle the other to carry into effect. But this is the only ground on which the maſter can with juſtice claim authority over the unoffending family of the ſlave; and the authority aſſerted on this ground by the maſter muſt terminate with reſpect to each particular child, as ſoon as that child attains to ſuch an age as no longer to be ſubjected by nature to the dominion of his parent.

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This reaſoning applies with equal force to the caſe of children born during the ſlavery of their parents. The maſter cannot derive from the latter more extenſive or more permanent rights than they themſelves poſſeſs over their offspring [b].

If the maſter, ſhifting the ground of argument, pleads that he has maintained the child from infancy to manhood, and not from gratuitous charity, but with a view to a proper recompenſe; let him be reminded, that he has received in return the labour of the other during that period. But he replies, that "the "labour has been an inadequate return; and "that he has at leaſt a right to exact the ſer-"vices of the child when grown up, until he

[b] The maxim, Partus ſequitur ventrem, which has been adopted into the legal inſtitutions of ſome countries, evidently ceaſes, according to the principles of natural juſtice, to have any binding authority, when the child attains to ſuch an age as to be no longer ſubject by nature to the dominion of his mother. After that period, whatever validity there is in the maxim itſelf, or in the practical conſequences derived from it, muſt reſt on the inſtitutions of civil ſociety. But a perſon, who ſhould undertake to eſtabliſh the juſtice of them, would in many inſtances find himſelf engaged in a taſk impoſſible to be accompliſhed.

"has

" has obtained a reaſonable indemnification: " for the infant having no proſpect of being " ſupported by any other perſon, it muſt be " preſumed that, had he been able, he would " gladly have conſented to ſecure a mainte- " nance on the terms of making an equitable " compenſation when he ſhould have it in his " power." Why does not the maſter aſſert, that the other, had he been able, would have conſented to ſecure his exiſtence on *any* terms, and claim a right to detain him in *perpetual* bondage? Why does he not affirm that he has a right to enſlave any man whom he has chanced to preſerve from drowning? No conſent was or could be given in either caſe, nor any right conveyed. Whatever debt of gratitude may have been incurred, that is a kind of debt which confeſſedly is not to be recovered by compulſion. In each of theſe inſtances, if aſſiſtance was given to the diſtreſſed party from proper motives, one of the moſt indiſpenſable duties which a human being can owe to his Maker, and one of the greateſt acts of benevolence which man can render to man, has been performed: but if the object of this benevolence ſhould refuſe all acknowledgment of the kindneſs, his benefactor muſt

 ſatisfy

ſatisfy himſelf in this world, and well may he be ſatisfied, with the conſcious approbation of his own heart, and look forward to another for his complete reward.

I have hitherto ſpoken of the rights of the maſter; I will now briefly mention his duties. Not having a right to endanger the life or health of the ſlave, except ſo far as the danger is the unavoidable conſequence of the reaſonable ſervice of the latter, he is obliged in juſtice either to provide food, clothing, and other neceſſaries, for the ſlave, or to allow ſufficient time and opportunities for the other to provide them. He is alſo bound in the ſight of God to conſult by benevolent precautions in his general conduct the preſervation of the health of the ſlave, and the recovery of it when impaired; and particularly to ſuperintend his morals, and to furniſh him with the means of religious inſtruction; to treat him on all occaſions with kindneſs and forbearance, more eſpecially to be mild in exacting labour and inflicting puniſhment; and not to give or to ſell the ſlave to any perſon, whom he does not think likely faithfully to perform the duties of a maſter.

The

The end for which moral principles are inveſtigated is the direction of human conduct. During our inveſtigation of them, their final object ought ever to be kept in view; and no fit opportunity ſhould be omitted of pointing out their bearings on topics of importance, eſpecially on ſuch as are agitated at preſent. The poſitions which have been maintained in this chapter, can never be more properly applied than to the elucidation of the queſtion now before our legiſlature, concerning the abolition of the African Slave-trade. I ſhall therefore apply them to that ſubject, with the brevity which is required by the limits of my general plan.

It appears then, that thoſe writers, who have contended that a ſtate of ſlavery cannot be reconciled with juſtice, and that the poſſeſſion, the ſale, or the transfer, of a ſlave, is in every inſtance an act of uſurpation, have proceeded to much greater lengths than ſober argument will vindicate. It would in truth have been as reaſonable to maintain that all penal meaſures, and all transfers of rights, are unjuſt. For if natural juſtice permits a man to be deprived, in certain caſes, of his limbs

or of his life, can it univerſally forbid the exaction of his labour? And if one man is entitled to the ſervice of another, does not juſtice allow him to give or to ſell that right, like any other of his rights, to a third perſon?

For the juſt purpoſes of indemnification and puniſhment ſlavery may be impoſed. Whoever therefore has honeſtly purchaſed from the *proper owner*, either in Africa or in the Weſt Indies, a ſlave, whom, after *ſerious enquiry*, he *believes in his conſcience* to have been *deſervedly* condemned to that ſtate for either of theſe ends, has not violated juſtice in the tranſaction; nor, ſuppoſing that his conviction continues, and that he faithfully diſcharges the duties of a maſter, will he act unjuſtly in exacting the labour of the ſlave during the term for which he was condemned (whether it were for a limited period or for life), nor in diſpoſing of him for the whole or any part of the term to any other perſon, whom he has reaſon to think diſpoſed and likely to treat the ſlave properly.

But whoever has defrauded the former owner of a ſlave in the original purchaſe; whoever

whoever has accepted or exerciſed a power over the liberty of another, without having made full and impartial inquiries whether that liberty is juſtly forfeited, and is alſo juſtly at the diſpoſal of the ſeller; or without being convinced in his conſcience that the fact is ſo; whoever detains the ſlave in bondage directly or indirectly a moment after that conviction has been done away; or a moment after the concluſion of the time for which the ſlavery may juſtly be continued; whoever does not faithfully diſcharge the duties of a maſter, or transfers his ſlave to another whom he does not think likely to diſcharge them, commits in each of theſe caſes a flagrant ſin againſt God; and in moſt of them as flagrant an act of injuſtice to man.

Now are any of the indiſpenſable requiſites to the acquiſition of a juſt title to a ſlave ſcrupulouſly attended to on the coaſt of Africa? Are any of them, except it be the honeſt payment of the price, attended to at all? Does the purchaſer make a conſcientious inquiry, or does he make any inquiry whatever, into the fundamental points, whether the liberty of him who is expoſed to ſale be juſtly forfeited, and alſo

be juſtly at the diſpoſal of the ſeller? Can he, who has bought a thouſand ſlaves, point out any five of them with reſpect to whom he has ſufficient reaſon to believe this to be the caſe? Does he not know that the wretched beings whom he purchaſes, are almoſt univerſally the victims of avarice, treachery, and rapine; that nearly all of them have either been kidnapped by their countrymen and relations, doomed to bondage from their infancy by laws radically unjuſt, ſeized without provocation by their own princes, adjudged to ſlavery for pretended crimes, or for offences altogether undeſerving of ſuch a puniſhment, ſtolen by the immediate emiſſaries of Europeans, or captured in wars commenced at the inſtigation of Europeans for the purpoſe of obtaining ſlaves?

But many of theſe facts are controverted or denied. Let thoſe who diſtruſt them read with an unbiaſſed judgement the evidence on both ſides which has been laid before the public, and their doubts will probably be ſatisfied. Whether this be the caſe or not, let them in the next place reflect on the propenſities of the human mind, and on the information

mation which hiſtory affords, and ſay, whether the facts above mentioned are not conſequences which muſt be expected naturally and uniformly to take place among uncivilized nations, inflamed with a paſſion for foreign merchandize, while ſlaves are the articles with which it muſt be purchaſed.

As theſe enormities are countenanced from intereſted motives by the numerous independent Princes of Africa, whom it is not poſſible that Britiſh Legiſlatures can control; and as they ever will be countenanced as long as thoſe motives exiſt, it is evident that the African ſlave-trade is, and, from the nature of things, ever muſt be, a trade ſyſtematically deriving its ſupport and its very exiſtence from unbounded oppreſſion and injuſtice.

This ſingle circumſtance, excluſive of the additional weight which it may derive from other conſiderations, is ſufficient to prove that the trade ought inſtantly and univerſally to be abandoned; and, as the conſcience of private individuals appears, by melancholy proof, unable to reſtrain them from entering into it, that it is the duty of our Legiſlature, both to

God and man, by an immediate act of abolition to prevent thoſe at leaſt, who are under its juriſdiction, from acting either as principals, abettors, or accomplices, in a ſyſtem of ſuch flagrant, extreme, and incurable iniquity.

Thoſe who have contended for the abolition of the Slave Trade ſolely or chiefly on the ground of humanity, have evidently narrowed the baſis on which their cauſe ought to reſt, and have neglected the ſtrongeſt argument in its favor. I know that humanity has more popular attractions than juſtice. Attention to the former ſeems to imply ſpontaneous merit; obſervance of the latter is regarded as the conſtrained diſcharge of a debt. It ſhould however be remembered, that the ſuggeſtions of humanity may in ſome caſes oppoſe each other; and may perhaps be fairly counterbalanced or outweighed by different conſiderations. The demands of juſtice are always conſiſtent with themſelves, and may on no plea whatever be diſobeyed.

But let me not be ſuppoſed to intimate, that there are no arguments of importance to be urged for the abolition of the Slave Trade beſides

beſides thoſe which are dictated by juſtice. There are arguments ſuggeſted by a regard to humanity and other duties, which of themſelves ought to determine the Legiſlature inſtantly to enforce that meaſure, if all conſiderations of juſtice were omitted.

By the Slave Trade we neceſſarily contribute, to the utmoſt of our power, however we may regret, or may affect to regret, the circumſtance, to retain vaſt regions of Africa, many times larger than Great Britain, in a ſtate of barbarity and ignorance; to arm every man's heart and hand againſt his neighbour; to deſtroy the ſecurity and poiſon the comforts of domeſtic life, by keeping every individual in momentary fear of being ſeized by a lurking enemy, or even by his own kindred, and hurried on board a ſlave-ſhip; to foment continual, bloody, and unprovoked wars; to encourage the ſavage tyranny of the Princes, and direct it againſt their guiltleſs ſubjects; to perpetuate the moſt iniquitous laws and inſtitutions; and to prevent the diffuſion of the religion of Chriſt. Who will lay his hand on his heart, and affirm, as in the ſight of God, that the purchaſe of the greateſt

greateſt advantages, private or national, could be juſtified on ſuch terms for a moment[c]?

I ſhall not dwell on the injuries and calamities which the ſlaves experience on their paſſage

[c] The flouriſhing and happy ſtate of many countries on the coaſt of Africa before the Slave Trade was introduced there by the *chriſtian* nations of Europe, and the truly miſerable condition to which by means of the Slave Trade thoſe countries have been depreſſed, are clearly ſhewn in a tract entitled "Hiſtorical Sketches of the Slave Trade, by the Right Honourable Lord Muncaſter, 1792." That the Slave Trade was *created* by the Europeans, is confeſſed by thoſe who from the buſineſs in which they were engaged would be little diſpoſed to recognize the fact. A gentleman, *employed by the Royal African Company* in 1726, expreſsly ſays, "The diſcerning natives account it their greateſt unhappineſs that "they were ever viſited by the Europeans. They ſay "that we Chriſtians introduced the traffic of ſlaves, and "that before our coming they lived in peace; but, ſay "they, it is obſervable that wherever Chriſtianity cometh, "there come with it a ſword, a gun, powder and ball." Hiſtorical Sketches, P. 5. quoting from Smith's Voyage, P. 266. Let thoſe who are Chriſtians in reality, as well as in name, draw the proper leſſon from theſe words. It ought never to be forgotten, that when Captain Hawkins, who ſeems to have been the firſt Engliſhman that enrolled his name in the annals of villainy as a Slave Trader, had made a piratical kidnapping voyage to Africa,

paſſage to the Weſt-Indies, and after their arrival there (though they reſult from the trade, and I am perſuaded will to a great degree be coeval with it), becauſe an inveſtigation of them would ſwell this part of the work to a diſproportionate ſize; and becauſe, if they

Africa, Queen Elizabeth, having heard of it, ſent for him, and expreſſed her deep concern leſt any of the African negroes ſhould be carried off without their free conſent; *which*, ſhe declared, *would be deteſtable, and could not fail to call down the vengeance of Heaven.* See Hiſtorical Sketches, P. 13. Whatever we may hear profeſſed, and whatever ſpecious ſophiſtries may be urged for the continuance of the Slave Trade, the real truth is, that the ſecret principle which moſt commonly influences the advocates for that trade (though in many caſes it is undoubtedly unperceived by themſelves) is an eager deſire of clinging to villainy when deemed politic and advantageous; or, in other words, an almoſt abſolute determination not to obey the unequivocal dictates of moral and chriſtian duty which ſeem to require the ſacrifice of intereſt. It is the principle which ſpoke out plainly by the mouth of the Dutch merchant, who, when reproached by the Prince of Orange for ſupplying the enemy with ammunition to be employed againſt his country, replied, " Monſeigneur, ſi on pouvoit faire par mer quelque com-
" merce avantageux avec l'Enfer, je haſarderois d'y aller
" bruler mes voiles." " If it were poſſible to carry on
" by ſea any lucrative commerce with Hell, I would go
" thither at the hazard of ſcorching my ſails." (Voltaire's Age of Louis XIV. Amſterdam, 1771, Vol. I. P. 393.)

were

were completely removed, the arguments already adduced would ſtill be deciſive. I will however briefly notice the principal grounds on which the abolition is reſiſted.

1ſt. It was ſhameleſsly aſſerted a few years ſince that the negroes are a race eſſentially diſtinct from Europeans, and inferior to them; and the aſſertion is even yet occaſionally heard, though it is equally unphiloſophical and unchriſtian. For, does not hiſtorical experience teach us that complexion depends almoſt entirely upon climate, and talents on civilization, as clearly as ſcripture affirms, that God [d] made of one blood all the nations on the face of the earth? But were the negroes proved a diſtinct and an inferior race, ſhould we have on that account a right to enſlave them?—When God has ſeen it fit to give us our rights over animals by expreſs declarations in the ſcriptures, and has thereby inſtructed us that we ſhould not otherwiſe have been authoriſed to exact their labour, would ſuperiority of nature have entitled us to exerciſe authority over a negro, which would have been uſurpation if exerciſed over a brute?

[d] Gen. ix. 19. Acts xvii. 26.

2d. But

2d. But we are told that the Negroes are the deſcendants of Ham, and therefore devoted to ſlavery. The doom of ſervitude is denounced in ſcripture only againſt the poſterity of Canaan, who, I preſume, is not conceived by any one to have been the progenitor of the Africans. I will not waſte my reader's time in ſhewing how futile the argument would have been, had Canaan been the founder of their race.

3d. Another plea for the continuance of the Slave Trade is ſometimes urged on pretended grounds of juſtice. It is alleged that, as the Weſt-Indian owners have purchaſed and improved their eſtates under the expectation of cultivating them by negroes obtained from Africa, the Legiſlature of this country, by profeſſedly encouraging the cultivation of the iſlands, has entered into an implied engagement with the planters to permit the continuance of the Slave Trade. The moſt explicit engagements to that effect, had it been true that ſuch had ever been entered into by our Legiſlature, would not have been binding; ſince they could not have been performed without flagrant injuſtice to the Africans, the

invaſion of whoſe rights the Britiſh government never was, nor ever can be, authoriſed to promote.

4th. The Slave Trade, and all its horrors, are ſometimes vindicated on the plea, that the negroes being treated with the greateſt kindneſs in our colonies, are much happier in their ſlavery and exile, than they would have been in the enjoyment of liberty at home. And, as a proof of this ſingular circumſtance, we are told, that free negroes in the Weſt-Indies have refuſed the offer of returning to their own country. It would indeed be extraordinary if a negro ſhould abandon Jamaica, where he had at length acquired connections, property, and freedom, for the ſake of reviſiting Africa, where he would find himſelf friendleſs, forgotten, and diſregarded: when he muſt alſo know, that if he ſhould eſcape the not improbable event of being ſold to ſome European in his way, he might reaſonably expect to be ſeized again in his own country as he had been before, be again conſtrained to encounter the miſeries of the middle paſſage, and be returned a ſlave to the iſland from which he had ſet ſail exulting in his liberty.

Let

Let us however allow the advocates for the Slave Trade the full advantage of their abſurd and incredible plea, that not only the free negroes, but even the ſlaves, are happier in our iſlands than they would have been in Africa; a plea which, were it true, would of itſelf deciſively eſtabliſh the miſerable ſtate to which Africa is reduced by the traffic which they ſtrive to vindicate: but let us in our turn require them to prove that they have a right to enſlave others for the purpoſe of making them happy. The exiſtence of any ſuch right has been ſufficiently diſproved in a former chapter; and would not readily be admitted by thoſe with whom we are contending, if it were claimed by a negro over themſelves.

But the negroes in our colonies are treated with kindneſs! That they are thus treated by many maſters I doubt not. Let it be admitted that they are ſo treated by all. Is this circumſtance then urged, ſeriouſly urged, as a vindication of the continuance of the Slave Trade? Let the highwayman plead in his defence that he only robbed the traveller, and did not murder him. Let the horſe-ſtealer allege

allege that he has ridden with moderation, and fed ſufficiently, the animals which he carried off. Let a court of juſtice accord to theſe pleas not merely pardon for paſt crimes, but an expreſs licence to repeat them; and then, and not till then, let the man-ſtealer, and the receiver of men knowing them to be ſtolen, inſult the common ſenſe of the Britiſh Parliament by demanding a licence to continue his depredations, on the plea that he has neither ſtarved nor flogged to death the wretches whom he has enſlaved.

5th. Finally, it is affirmed that, while the Slave Trade is continued by other nations, the abolition of it on the part of Great Britain would produce no alleviation of the miſeries of Africa, and would deſtroy a principal ſource of the revenue, naval ſtrength, and proſperity of this kingdom; and conſequently, that we are juſtified in purſuing the trade, at leaſt until a general abolition ſhall be decreed by the powers of Europe.

This argument is frequently urged by men, from whoſe underſtandings and virtues better expectations might have been formed.

That

That the abolition of the Slave Trade on the part of Great Britain would be likely to produce a moſt important alleviation of the calamities of Africa, is a poſition which it would be very far from difficult to maintain; and that it would materially conduce to the proſperity both of Great Britain and of her dependencies, is a poſition which has been maintained by thoſe, who from their ſituation ought beſt to underſtand the ſources of our national ſtrength, and are of all men the leaſt likely to wiſh to have them expoſed to hazard, with arguments which have not yet been diſproved. But let both the facts be allowed, preciſely as they are ſtated by the friends of the Slave Trade.

Have we then a right to join in rendering Africa miſerable, becauſe others would ſtill haraſs her though we ſhould reſrain? Would my reader think himſelf juſtified in bearing a part in a ſcheme to plunder or defraud an European, by the plea that, if he were to decline the offer, a byſtander was ready to ſupply his place? Can he then, either as a private man or as a legiſlator, abet a ſyſtematic plan of injuſtice and fraud directed againſt the free-

dom of negroes, and be innocent? On ſuch a plea the ſmuggler, the thief, the aſſaſſin, every criminal of every deſcription, might claim a plenary indulgence for his enormities.

But the intereſt of the kingdom requires the continuance of the trade!

And are we at liberty to try to ſupport the intereſt of the kingdom by depriving unoffending foreigners of their rights; by an uniform ſucceſſion of outrages againſt humanity and juſtice? If there be a Power in heaven who decides the fate of nations, can we think it likely, can we ſuppoſe it poſſible, that villainy will be permitted to promote the national welfare? What would have been robberies and murders if committed by ſingle highwaymen, are they not ſtill robberies and murders, though the perpetrators have previouſly coaleſced into a troop, a ſociety, or a nation? It is a momentous truth, and a truth little regarded, that the rules of morality are as binding on nations as on individuals; and that our obligations as Engliſhmen are ſubordinate to our duty as Chriſtians.

I would

I would in the laſt place aſk thoſe who allege the general argument ſtated above, what their ſenſations would be, if they or their children were captured and carried ſlaves into Morocco; and were told by the tyrant of the deſerts, that the depredations of his corſairs were moſt grating to his feelings; and that he would aſſuredly put an end to them, if he did not foreſee that they were requiſite for the welfare of his realm, and that he could not obtain the concurrence of his brother of Algiers.

I cannot conclude without expreſſing my ardent hope that, if the preſent attempt to aboliſh this diſgraceful commerce ſhould by any means, or in any degree, be rendered abortive, the friends of the abolition will ſeize every favourable opportunity of again bringing the ſubject before the legiſlature, until their efforts are crowned with that complete ſucceſs which ſuch a cauſe deſerves, and is ſure finally to obtain. In the mean time it behoves the reader to reflect that the guilt of the Slave Trade, now that the true nature of that traffic is fully known, is by no means confined to the perſons who are engaged in

carrying it on, and thoſe who purchaſe the miſerable cargoes in the Weſt-Indies. A portion of it reſts on every inhabitant of this country, whatever his ſtation may be, who wilfully omits any one proper method, which that ſtation affords him, of contributing to the immediate extinction of the trade. He is an accomplice in the crime who will not do his utmoſt to prevent it.

The emancipation of the negroes now in the iſlands, a meaſure with which, through ignorance or artifice, the abolition of the Slave Trade has been repeatedly confounded, is by no means neceſſarily required by the principles which I have endeavoured to eſtabliſh. In a former chapter I have ſhewn that ſlaves, who have been unjuſtly reduced to their preſent condition, may yet be detained in it, as long as there is ſufficient reaſon to believe that their liberty, if reſtored, would be employed in acts of outrage and revenge.

CHAP. IX.

ON PROPERTY.

It has already been proved that every man has originally a right, by the gift of God, to ſuch a portion of the unappropriated productions of the earth as is neceſſary for his comfortable ſubſiſtence.

The firſt and moſt obvious exerciſe of this right would be the acquiſition of food, of ſhelter, and of clothing. To this would ſucceed the fabrication of rude utenſils and weapons.

The right however extends beyond the bare productions of the ſoil. The ſoil itſelf forms a part of the common ſtock provided by the Supreme Being for the benefit of mankind; and any unappropriated ſpot may be ſeized by each individual for his own excluſive poſſeſſion, ſo long as that excluſive poſſeſſion is requiſite for his comfortable ſub[illegible], or

for the comfortable ſubſiſtence of the family committed by nature to his protection. The ſame wants, which, in conſequence of being an evidence of the will of God, convey to any one a title to a certain portion of the fruits of the earth, in like manner give him a title to a certain portion of the earth itſelf. He has the ſame inconteſtable right to the unmoleſted enjoyment of the ſpot of ground, which he has occupied with his tent, with his grain, or with his flocks, as he has to the ſpot on which he is ſtanding, or to that on which he lies aſleep.

He therefore, who, in conſequence of theſe wants, has taken poſſeſſion of a vacant cavern for his habitation, and of the adjoining unoccupied hill for the paſturage of his cattle, has authority from God to defend them againſt every aggreſſor. But the right which neceſſity creates neceſſity limits. He has no claim to a greater extent of land than is requiſite for the comfortable ſubſiſtence of himſelf, and of the family, the flocks, and herds, which God has given to him. If a ſavage, before America was inhabited, had been driven in his canoe from Tartary to Cape Horn, he would have

had an indubitable right to the excluſive poſſeſſion of ſuch a diſtrict round his hut as was neceſſary for his ſupport; but he would have had no right to object to future ſtrangers ſettling on a diſtant part of the coaſt, on the plea that he was the firſt occupier of that quarter of the globe, and that he ſtood in need of the whole continent for his hunting ground.

The cavern, however, and the hill, the flocks, and the utenſils, and whatever other articles of property had not been previouſly transferred by gift to ſome other, and become his actual right, muſt revert, on the dereliction or death of the owner, to the common ſtock, and be open to the next occupant. The original poſſeſſor's right was founded, as we have ſeen, on his need, and extended only to the uſe of them; and being voluntarily abandoned on his dereliction, or extinguiſhed together with the need and uſe at his death, no longer exiſts after either of thoſe events, and conſequently cannot be transferred.

It cannot be ſaid that the late poſſeſſor had by his will, ſuppoſing him to have left behind him ſome memorial of his wiſhes,

transferred the right previouſly to his death; for at any period during the remainder of his life he might have deſtroyed or altered his will at his own pleaſure.

Neither can it be alleged, that as the teſtator made the offer during his life, while the right was indubitably his, the acceptance of the legatee, after the deceaſe of the former, completes the transfer. Not to inſiſt on other objections to which this reaſoning is liable, it may be ſufficient to obſerve, that the rights of the teſtator, terminating at the moment of his death, and confeſſedly not having devolved to the other party previouſly to the completion of the ſuppoſed tranſfer by acceptance, muſt have ceaſed to exiſt before the period when this transfer of them is ſaid to take place.

The end, which in civil ſociety is anſwered by wills, might, antecedently to ſocial inſtitutions, be attained by another method of proceeding. A father, for example, might give to his ſon the property which he wiſhed the latter to poſſeſs after his own death; and might ſecure to himſelf, if he ſhould think fit, the enjoyment of it in the mean time, by making

making the donation on the expreſs condition, that his ſon ſhould permit him ſolely to poſſeſs the property in queſtion as long as he ſhould live. Were the offer accepted by the ſon during the life of the father, the tranſfer of the right would immediately take place. It is however obvious that ſuch a tranſaction would be ſpecifically diſtinct from a teſtamentary bequeſt.

Mr. Paley and other moraliſts contend, that thoſe moveables which are to a great degree the produce of a man's perſonal labour, as his tools, weapons, and other ſimilar poſſeſſions, may originally be diſpoſed of by will; becauſe the owner has employed his own labour upon them [a], and has inſeparably mixed it with them [b], thereby giving them a great increaſe of value, which increaſe is inſeparable from, and makes a great part of, the whole value.

The foregoing reaſoning, notwithſtanding the reſpectable names by which it is ſanctioned, reſts on unſubſtantial foundations. No man can prove any juſt title originally to appro-

[a] Paley, Vol. I. P. 221. [b] Vol. I. P. 115, 116.

priate

priate to himſelf either flocks, herds, and fruits, or any productions of the earth (whether as materials for his weapons, utenſils, and moveables, or for any other purpoſe), nor conſequently to retain them afterwards, whatever alteration he may have wrought in them by his labour, except the right which ariſes from their being neceſſary for his comfortable ſubſiſtence; a right which is inevitably extinguiſhed by his death. No man by exerting his labour upon what is not his own can acquire a title to it; nor, by labouring on a ſubſtance to which he has a title only for a limited time, can he render that title permanent, whatever be the additional value which the material may receive from his operations.

If the arguments by which Mr. Paley endeavours to maintain his poſition, that an individual has a natural right to diſpoſe of his moveables by will, poſſeſſed any real force, they would prove him to have the ſame right to bequeath land, which he has reclaimed from barrenneſs to fertility. And, in fact, Mr. Paley maintains that land [c] under theſe cir-

[c] Vol. I. P. 116.

cumſtances

cumſtances becomes the property of the cultivator as abſolutely as the utenſils are which he has manufactured. He adds, that the individual, who thus improves it, does not thereby acquire a right to it in perpetuity, and after this cultivation and all its effects are ceaſed. It follows however, according to his ſtatement, that the improver may, by will, convey to another a right over it for the period during which the effects of his labour ſhall continue. Yet in a ſubſequent [d] chapter Mr. Paley proceeds

[d] P. 222.—Mr. Paley argues on this ſubject nearly in the manner which I have adopted—that "in a ſtate of "nature a man's right to a particular ſpot of ground ariſes "from his uſing it and wanting it, conſequently ceaſes "with the uſe and want; ſo that at his death the eſtate "reverts to the community, without any regard to the "laſt owner's will." Yet theſe are arguments to which Mr. Paley can give no weight conſiſtently with his fundamental principle. He ought to have confined his reſearches to the ſingle point, whether the exiſtence of the right of bequeathing land in a ſtate of nature would, or would not, promote the happineſs of mankind. If this queſtion be determined in the affirmative, he muſt maintain the exiſtence of the right, in defiance of the arguments by which he has diſproved it.

It is to be obſerved that, in aſſerting the right of bequeathing moveables, Mr. Paley has paid no more attention

ceeds to eſtabliſh the oppoſite concluſion, and to eſtabliſh it on principles which admit of no exception, that land previouſly to the inſtitution of civil ſociety cannot be diſpoſed of by teſtamentary bequeſt.

The true ſtate of the caſe is, that the right of diſpoſing by will of property of any kind can be eſtabliſhed only on the ground of ſocial convention. The manner in which that right is created, and the mode of its operation, will hereafter be noticed in the proper place.

The principles which have been deduced in the preſent treatiſe oblige me to deny the exiſtence of a right (its exiſtence, I mean, conſidered as independent of the inſtitutions of civil ſociety), which Mr. Paley, in common with other moraliſts, has ſupported; that is to ſay, the right of extreme neceſſity. This he defines to be [e] "a right to uſe or deſtroy an-

tion to general expediency than he has done in diſproving the right of bequeathing lands. The reader, who has peruſed his work attentively, will have perceived that it is not uncommon with him to loſe ſight of his fundamental principle, and to argue on other and leſs fallacious grounds.

[e] Page 102.

"other's

" other's property, when it is neceſſary for our " own preſervation to do ſo." And as an inſtance of it he mentions " a right to take, " without or againſt the owner's leave, the " firſt food, clothes, or ſhelter, we meet with, " when we are in danger of periſhing through " want of them." And he aſſerts it to be " a " general right, as it is incidental to every " man who is in a ſituation to claim it."

In the firſt place, I muſt obſerve that Mr. Paley has adduced no arguments to prove the only fact, which, according to his fundamental poſition, can demonſtrate the exiſtence of the right; namely, that arming every man with authority to deprive another of his property, whenever he imagines that property to be neceſſary for his preſervation, would promote the happineſs of mankind. How would it appear, were we to argue on his own principle of expediency, that this is a caſe " in[1] which " the particular conſequence exceeds the ge- " neral conſequence," and that " the remote

[1] P. 103. I have already quoted Mr. Paley's preliminary obſervation, that, " in computing conſequences, it " makes no difference in what manner or *at what diſtance* " they enſue."

" miſchief

" miſchief reſulting from the violation of the " general rule is overbalanced by the imme- " diate advantage?"

In the next place we may aſk, for the preſervation of *what* particular objects this right may be exerciſed. Not merely of life, but of property alſo; for Mr. Paley authoriſes every man on *this* principle [8] to pull down a neighbour's houſe againſt his conſent, to ſtop the progreſs of a fire. Can we ſay then that there is any kind of property for the ſecurity of which it may not be exerciſed? Much more may not it be exerciſed by any man for the ſecurity of what is dearer than property, his health; of what is dearer than life, his good name? May not he forcibly poſſeſs himſelf of the houſe of another, ſhould he be perſuaded that his deſire for it, if it be not gratified, will bring upon him death, or delirium, or melancholy? May he not ſeize his neighbour's purſe, that he may be enabled to ſilence a venal calumniator, who threatens to ruin his character? In ſhort, if the principle be admitted in any one inſtance, where is the line to be drawn?

[8] Page 102.

" The

" The foundation of the right," Mr. Paley ſays, " ſeems to be this; that, when property " was firſt inſtituted, the inſtitution was not " *intended* to operate to the deſtruction of any; " therefore, when ſuch conſequences would " follow, all regard to it is ſuperſeded." The inſufficiency of this mode of reaſoning will appear by an application of it to other inſtances. The right to defend ourſelves, with which we are endowed, was not *intended* to operate to the deſtruction of any. Is it therefore never to be permitted ſo to operate? The inſtitution of municipal laws was intended for the *benefit* of every member of the ſociety, and not for the deſtruction of any. When the latter conſequence would follow, is all regard to them ſuperſeded?

That no ſuch right as that of extreme neceſſity can exiſt until it be created and eſtabliſhed, as it very frequently is, by the laws of particular communities, has already been ſhewn. It has been proved, in the diſcuſſion of the third propoſition, that no man, except he receive an eſpecial divine permiſſion, has a right to deprive another of his property, or to reſtrain him in the enjoyment of it, without his

conſent

conſent having been previouſly given, unleſs the latter has invaded, or ſhewn a deſign to invade, the rights of the former, or of ſome perſon under his protection [h].

The

[h] Nearly allied to this ſuppoſed right of extreme neceſſity is a right, frequently maintained by worthy and intelligent men, to depart from eſtabliſhed rules of juſtice *in extreme caſes*. They aſſert that every moral principle may be rendered *abſurd* by being puſhed too far; and in order to prove this aſſertion, they put extravagant caſes, in which they apprehend that great hardſhip and miſchief would reſult from a rigid adherence to general rules. Now, were we to reaſon with them on their own grounds of expediency (for expediency, which has been proved inadequate to the eſtabliſhment of any right, is the ultimate baſis of their argument), the point in queſtion would be decided againſt them by a conſiderate and unprejudiced umpire. For he would in the firſt place obſerve, that the caſes, which they find themſelves obliged to adduce in ſupport of their cauſe, are ſuch as from their very nature can rarely occur; and conſequently that little addition would be made to the ſum of human felicity, were the deviation from eſtabliſhed rules for which they contend put in practice in thoſe, and in ſimilar inſtances. And in the next place he would remark, that if once ſuch a deviation were authoriſed, men with the pureſt intentions would naturally be led by imperceptible degrees to conceive almoſt *any* caſe in which their feelings were ſtrongly intereſted to be an *extreme caſe*; and that the unprincipled and artful would frequently repreſent, and with ſufficient plauſibility, a common

The poſitions which have been maintained in this chapter, and in the three preceding chapters on Indemnification, Puniſhment, and Slavery, are ſtrictly applicable to the proceedings between independent ſtates, unconnected by any particular engagements. The various modifications

common caſe as *extreme*, and would in conſequence be ſuffered by their more ignorant neighbours to act as if it actually were ſo; inſomuch that the unjuſtifiable proceedings, and the miſeries thence enſuing, to which the miſapplication and abuſe of the principle would give birth, would abundantly outweigh the ſeeming good effects which might occaſionally ariſe from the proper uſe of it.

As to the *abſurdity* which they allege, it muſt be remarked that no apparent abſurdity can impeach the validity, or limit the operation, of a rule of juſtice, except that which would reſult from a proof that the rule as applied contradicts itſelf, or ſome other branch of juſtice. A proof of ſuch an abſurdity would be deciſive; for truth muſt always be conſiſtent with itſelf. But the poſition that the rules of juſtice are of univerſal obligation can never be ſhewn to be abſurd in this proper ſenſe of the term; and indeed it will be found on obſervation, that they who combat it uſually ſtrive to prove it abſurd, not by ſhewing that any ſuch contradiction as I have deſcribed is inherent in the poſition which they oppoſe, but by an appeal to men's feelings, or to their ideas of expediency; and therefore build their reaſoning on extravagant caſes, calculated

modifications which theſe rules undergo, when applied to proceedings between members of the ſame community, ariſe from the peculiar rights and obligations of governors and ſubjects, which will be briefly inveſtigated in a ſubſequent part of this treatiſe.

to overpower diſpaſſionate argument by an inſtantaneous and violent impreſſion on the mind.

The reaſoning which I have urged againſt the right of extreme neceſſity is equally applicable to the right of deviating from the rules of juſtice in extreme caſes. Theſe ſuppoſed rights are equally irreconcilable with the propoſitions eſtabliſhed in the ſecond and third chapters; they are equally deſtitute of foundation, equally indeterminate in their extent, and appear equally fitted to diſturb the peace and happineſs of mankind.

CHAP.

CHAP. X.

ON ENGAGEMENTS.

ENGAGEMENTS take place by means of an exercise of the authority from God which it has been shewn that each individual possesses to alienate his rights, and to accept such rights as may be transferred to himself.

As all engagements, however distinguished from each other by being ranged under different denominations, by being contracted with peculiar formalities, or attended with peculiar conditions, are intrinsically of the same nature, my observations, though confined to those usually comprised under the name of Promises, will be equally applicable to engagements of any other description.

A promise is not a mere declaration of an intention; it is an engagement to the promisee that the promiser will act in the manner specified.

Conſent underſtood to be given and accepted, by whatever means the conſent and acceptance are ſignified, conſtitutes a promiſe; but leſs than this will not conſtitute one. If the one party does not accept the right offered to him by the other, matters remain as they were before the offer was made. Promiſes then do not exiſt before acceptance, and conſequently are not binding.

Any one of the rights of an individual, unleſs held under a ſtipulation that it ſhall not be alienated, may be the ſubject of his promiſes; for we have ſeen that all ſuch rights are at the owner's diſpoſal. If therefore he ſhould promiſe to part with any thing which it was his duty in the ſight of God to have retained; if a father, for example, ſhould engage to give to a ſtranger the property which he ought to have reſerved for the future benefit of his own children; he is naturally at liberty to do ſo, and the promiſe is valid.

The obligation to perform a promiſe is a branch of the general obligation not to infringe the rights of another. When an individual by an engagement has transferred to his

his neighbour one of the gifts which God had beſtowed upon him, the latter has the ſame right to it which the original proprietor had before the transfer; and if it be withheld from him, he has the ſame right to uſe force for the recovery of it as for the recovery of any other article of his property.

The foregoing poſitions reſpecting the circumſtances which a promiſe involves as eſſential to its exiſtence, the ſubjects which it may embrace, the obligations which it impoſes, and the rights which it confers, may be illuſtrated by the following inſtance.

If a traveller aſk a ſhepherd the road to the place whither he is journeying, the latter is not originally under any obligation to the inquirer (whatever may be his duty in the ſight of God) to communicate information. His knowledge is his own, and he may impart or withhold it at his diſcretion. The traveller requeſts him to impart it. If the ſhepherd returns an anſwer which he knows the former will conſider as an aſſent to his requeſt, that is, as a direct or implied promiſe that he ſhall be put in poſſeſſion of the knowledge in queſti-

this knowledge is now become the actual property of the traveller; and the latter has the ſame right to uſe force, if force be neceſſary, for the purpoſe of obtaining it from the former, as he would have to obtain the delivery of a lamb which the ſhepherd had promiſed to him, or the reſtitution of a horſe of which he had robbed him.

In whatever manner the promiſe may have been made, whether it were expreſſed or implied, whether entered into by words or by actions, the preceding reaſoning will be equally applicable.

The ſhepherd might enter into a valid engagement to give the traveller right directions even by wilfully directing him wrong; for he would know that the traveller would underſtand *any* directions not palpably abſurd as an aſſent to his requeſt. He might convey a promiſe by a nod as intelligibly as by the moſt poſitive aſſurances; and however it were conveyed, he would be equally bound, and might with equal juſtice be compelled, to fulfil it.

But

But the ſhepherd would not be bound to thoſe to whom he could not be ſuppoſed to mean to engage himſelf. The ſtrongeſt aſſurances given to the traveller would not lay the ſhepherd under any obligation of ſhewing the road to a liſtener, whom he did not know to be at hand, or evidently did not mean to addreſs.

" Where the terms of a promiſe admit of " more ſenſes than one, the promiſe is to be " performed in that ſenſe in which the pro- " miſer apprehended at the time that the pro- " miſee received it."

This [a] is Mr. Paley's rule for the interpretation of promiſes; and it is very juſt. He proves it indirectly in the following manner.

" It is not the ſenſe in which the promiſer " actually intended it, that always governs the " interpretation of an equivocal promiſe; be- " cauſe at that rate you might excite expecta- " tions which you never meant, nor would " be obliged, to ſatisfy. Much leſs is it the " ſenſe in which the promiſee actually re-

[a] Paley, Vol. I. Page 125.

" ceived the promiſe; for according to that " rule you might be drawn into engagements " which you never deſigned to undertake. " It muſt therefore be the ſenſe (for there is " no other remaining) in which the promiſer " believed that the promiſee accepted his " promiſe."

For the ſatisfaction of my reader, who may reaſonably wiſh for a demonſtration of the truth of the rule from firſt principles, the following is ſubjoined.

Conſent, underſtood to be expreſſed by one party and to be accepted by the other, conſtitutes a promiſe. The promiſer, therefore, is bound to fulfil what he meant to expreſs and believed to be accepted; and the promiſee has a right to claim what he meant to accept and believed to be expreſſed. If either of them apprehended that the other party had a different meaning from himſelf, but did not intimate his doubts and come to an explanation, he is bound to adhere to that different meaning; for by his ſilence he implied acquieſcence in it. So that, in fact, the promiſer is bound to fulfil what he believed to be accepted, and the promiſee

miſee to claim no more than he believed to be expreſſed.

In certain caſes promiſes are not binding.

1ſt. When either the promiſer at the time of giving his conſent, or the promiſee at the time of accepting it, is phyſically incapable of underſtanding whether the tranſaction would be conducive to the purpoſes of his being.

The poſitions, on which this rule is founded, were eſtabliſhed in the latter part of the third chapter.

Thus the promiſes of infants, idiots, and lunatics, are naturally void.

So are the promiſes of a drunken man, if at the time of making them he was ſo far overpowered by intoxication as to be no longer capable of diſcerning his duty; but not otherwiſe. Whether this was the caſe or not, muſt be determined from particular facts; in the ſame manner as you would aſcertain the degree of mental diſorder which conſtitutes madneſs.

Perhaps

Perhaps it may be ſaid, that the drunken man, notwithſtanding the derangement of his intellects, is anſwerable for his actions while in that ſituation; having reduced himſelf to it by his own voluntary act. That argument, if it had any force, would apply equally to the caſes of ſuch idiots and lunatics as have brought their incapacity on themſelves by their own miſconduct; by the gratification of intemperance, or through the exceſs of paſſion. It is not, however, applicable in any of theſe caſes. Although every man who deprives himſelf of reaſon is anſwerable to God, yet if he be in fact, through whatever cauſe, no longer capable of underſtanding and fulfilling the purpoſes of his being, he is unable to convey any right; and what he cannot convey, the promiſee cannot acquire from his conſent. The laws of civil ſociety may interpoſe, and render the drunken man reſponſible for the promiſes which he ſhall afterwards make in the hour of intoxication; but we are enquiring into the ſtate of the caſe when human laws have not ſettled the point.

2dly. Promiſes are not binding, when an expreſs or implied condition, on which they

are

are underſtood by both parties to be founded, fails without the fault of the promiſer.

For the terms are not fulfilled on which alone the promiſe was to be obligatory.

Thus if a perſon undertakes to aſſiſt another, avowedly ſuppoſing him to be unjuſtly attacked, he is releaſed from his promiſe, if he diſcovers the promiſee to be the aggreſſor. So likewiſe in contracts, which are mutual promiſes, if one party fails in the performance of his engagement, the other is releaſed; unleſs there were ſome previous ſtipulation to the contrary.

If the promiſer be previouſly appriſed of the failure of the condition, or wilfully occaſion it, he violates his engagement, and may be compelled to make ſatisfaction.

Theſe rules will be illuſtrated by a conſideration of the caſe of promiſes, the performance of which is impoſſible.

Such promiſes are evidently not binding: for the poſſibility of performance muſt be a ſuppoſition

ſuppoſition on which the promiſe was underſtood and accepted; and of courſe was a condition of the promiſe.

But if the promiſer was privately aware of the impoſſibility when he made the promiſe; as if he engaged to put a tenant into immediate poſſeſſion of a farm which he knew was under leaſe to another; or if he afterwards occaſioned it, as if the owner of a ſhip, after engaging to convey a paſſenger to the Weſt Indies, and to receive him on board on an appointed day, were to ſet ſail a month before hand without him; the promiſee has a right to compenſation for the loſs which he ſuſtains by the non-performance. For in each caſe he acquired a right to the thing promiſed, and in each caſe the diſappointment of his juſt claim, and the conſequent injury which he receives, is owing to the wilful fault of the promiſer.

If the promiſer, on diſcovering the impoſſibility of performing an engagement which he has contracted, ſhould alſo diſcover that it is an impoſſibility capable of being removed; he is bound to uſe all reaſonable exertions in order to remove it. For he cannot ſuppoſe that

that the promiſee underſtood him to mean leſs than that he would fulfil his engagement, if it were poſſible; and that if the performance of it ſhould prove impracticable for a time, he would exert all ſuch methods, as under all the circumſtances of the caſe could fairly be deemed reaſonable, to remove the obſtacle, and to remove it without unneceſſary delay.

3dly. Promiſes are not binding, the performance of which would be unjuſt, that is to ſay, would be an infringement of the rights of a third perſon.

For the promiſer cannot convey a right which is not his to diſpoſe of; and conſequently the promiſee cannot acquire it.

If both parties were aware of the injuſtice of performance at the time when they entered into the engagement, the caſe is clear; neither of them can have a doubt of the promiſe being void. Nor is the promiſer bound to indemnify the other, as a right could never be ſuppoſed to be conveyed to him.

If

If both parties were, as far as appears, unappriſed at the time of engaging of any injuſtice attending the performance, the promiſee, on this injuſtice being diſcovered, (whether it did or did not exiſt when the promiſe was made) has no claim to indemnification. For all engagements, where nothing appears to the contrary, muſt be underſtood to have proceeded on the ſuppoſition, that is, on the implied condition, of the performance being compatible with juſtice.

But if the promiſer has wilfully occaſioned the injuſtice of performance; or if he was privately aware of it at the time of making the engagement, and the promiſee was ignorant of it; in either caſe he is liable to a juſt demand of compenſation. For by his promiſe he engaged to put the other party in poſſeſſion of the matter in queſtion; and he is bound to make reparation for the diſappointment and injury, which he has wilfully occaſioned by deſignedly producing or fraudulently concealing the injuſtice which would attend the performance of the engagement.

The

The reaſoning which has been ſtated on the ſubject of promiſes, the performance of which is unjuſt, fully applies to promiſes which contradict a former valid engagement. For the right pretended to be conveyed by the ſubſequent promiſe was already transferred to another perſon by the former.

The three general rules which have been ſtated comprehend, as I conceive, all the caſes in which it can be proved that promiſes are naturally void. It may, however, be worth while briefly to notice a few remarks, which have been made by ethical writers on this ſubject.

Mr. Paley [b] affirms, that the performance of a promiſe is unlawful (and conſequently that the engagement is void), when it would be inconſiſtent with what he terms an *imperfect* obligation. It would not be difficult to prove this rule radically erroneous in its principle; and to ſhew that it has led, and muſt neceſſarily lead Mr. Paley, to concluſions the reverſe

[b] Page 132, Vol. I.

of

of thoſe which he has maintained on other [c] grounds: but as the difference between the kinds of obligations which moraliſts have denominated perfect and imperfect has not yet been ſpecifically diſcuſſed in the preſent treatiſe (nor would this be a fit place for the diſcuſſion), I ſhall only obſerve that, if the rule were true, no reliance could be placed on any engagement. The promiſer would in numberleſs caſes actually diſcover ſome imperfect obligation which would be violated by the performance; and in every caſe he would be able to feign ſuch a diſcovery, without being liable to confutation [d].

I ap-

[c] See particularly the inſtance of promiſing a perſon your vote (P. 132), a promiſe which Mr. Paley declares not to be binding when oppoſed to an imperfect obligation; and compare it with his obſervations on the ſame inſtance, P. 138. How can theſe deciſions be reconciled, ſince Mr. Paley expreſsly admits, P. 91, that you are under an imperfect obligation to give your vote to the better candidate?

[d] The moraliſts of antiquity were extremely *liberal* in granting exemptions from the obligation of performing promiſes; as might be expected from the looſeneſs of principle which pervaded their whole ſyſtem of moral conduct. Cicero, who was undoubtedly one of the wiſeſt and moſt virtuous of them, lays it down as an undeniable and

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I apprehend that other errors have been admitted into Mr. Paley's chapters on promiſes, and on lies, important enough to merit particular notice.

Mr. Paley affirms [c] that "a promiſe cannot

ſelf-evident rule, and without the ſmalleſt exception or qualification whatever, that no promiſes are binding which a perſon makes in conſequence of being conſtrained by fear, or deluded by artifice. "Jam illis promiſſis ſtandum non eſſe quis non videt, quæ coactus quis metu, quæ deceptus dolo, promiſerit?" De Officiis, Lib. I. He ſtates further, and in terms equally poſitive, that a promiſe is not obligatory, when the performance of it would be unprofitable to the promiſee; *or when the performance would occaſion more diſadvantage to the promiſer, than benefit to the other party.* "Nec promiſſa igitur ſervanda ſunt ea, quæ ſunt iis, quibus promiſeris, inutilia; nec ſi plus tibi noceant, quàm illi proſint, cui promiſeris." Ibid. It is to be obſerved, that although Cicero grounds theſe rules on the two principles which he had previouſly laid down as the foundations of juſtice, one of which principles was general utility (ut communi utilitati ſerviatur); yet in each of them he ſeems altogether to loſe ſight of the benefit of the promiſee, and to conſtitute the promiſer the judge of the value of the promiſe to the latter, who is thus left wholly at his mercy. We have here an additional proof that moral rules, profeſſedly founded on general expediency, will uſually degenerate in practice into rules looking ſolely to the private utility of the party who is to make uſe of them.

[c] Page 134.

" be deemed unlawful, where it produces, " when performed, no effect beyond what " would have taken place had the promiſe " never been made."

As he[f] advances no argument in ſupport of this rule (and ſurely it is not ſelf-evident), it will be ſufficient to refute it by an example. An aſſaſſin determines to kill a certain individual; he is afterwards deſired by another to murder the ſame man, and engages to do it: according to the foregoing rule his pro-

[f] Perhaps Mr. Paley argued in his own mind that ſuch a promiſe is lawful, becauſe the performance occaſions no injury to any one which would not otherwiſe have taken place; and therefore is not repugnant to general expediency. The topic of general expediency has been fully conſidered in the preceding pages.

The rule not being juſt, Mr. Paley's ſubſequent reaſoning deduced from it, that " in this caſe the obligation of a " promiſe will juſtify a conduct, which unleſs it had been " promiſed would be unjuſt," falls to the ground. In no caſe will a promiſe bind any one to be guilty of a breach of juſtice, or vindicate the action.

The right of the captive, in Mr. Paley's inſtance, to regain his freedom by a promiſe of neutrality, ariſes not from the unfounded principle to which Mr. Paley aſcribes it, but from theſe circumſtances; that the laws of nature and of his country leave him at liberty to enter into ſuch an engagement, if he thinks fit.

miſe

miſe is lawful, for he would have committed the murder if he had not made it. Or, let us ſuppoſe an inſtance which may ſeem leſs atrocious. A tyrant iſſues orders for the execution of an unconvicted priſoner, whoſe only crime has been a ſupport of the liberties of his country; by Mr. Paley's rule, if a perſon thoroughly aſſured of the innocence of the ſufferer, and of the illegality of the mandate iſſued for his death, were to undertake to become the executioner of the uſurper's vengeance, his engagement would be lawful. But are not theſe concluſions as repugnant to Mr. Paley's previous reaſoning on unlawful promiſes, as they are to the principles which have been maintained in my preſent chapter?

Mr. Paley alſo affirms [g] that "falſehoods are "not lies, that is, are not criminal, where "the [h] perſon to whom you ſpeak has no "right to know the truth; or, more properly, "when little or no inconvenience reſults from "the want of confidence."

This rule, under either form, is deſtitute of any ſolid foundation.

[g] Page 184. [h] Page 185.

In reply to the firſt ſtatement it may be remarked, that if a perſon puts a queſtion to you when he has no right to inſiſt on a reply, and you anſwer him in ſuch a way as you think or hope will lead him to conclude that you mean to impart to him the deſired information, you *give* him a right to it; and you are guilty of a breach of promiſe, that is, according to Mr. Paley's [i] definition, of a lie, if you do not communicate it: for, to proceed in his own words, "whoever ſeriouſly addreſſes his diſ-"courſe to another tacitly promiſes to ſpeak "the truth, becauſe he knows that the truth "is expected."

The rule under the ſecond form would ſpeedily be found in practice to authoriſe every man to violate truth at his own diſcretion. It is founded on general expediency, a principle which has been already refuted [k].

[i] "A lie is a breach of promiſe." Paley, Vol. I. Page 184.

[k] Mr. Paley's deciſion under this rule, that you may tell a falſehood to a robber or an aſſaſſin to ſave your property or your life, cannot eaſily be reconciled with his doubts, p. 142, whether a promiſe extorted by them is binding.

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The practice of deceiving an enemy by feints, falſe colours, ſpies, and falſe intelligence, is juſtified according to Mr. Paley by the preceding rule. The foundation however muſt be ſtrengthened before it will ſupport the ſuperſtructure. It may be ſufficient, without entering into particulars, to obſerve in this place, that the only ſtratagems which can be employed againſt an enemy, conſiſtently with natural juſtice, are ſuch as do not involve either an expreſs or an implied promiſe of ſincerity.

From the poſitions already eſtabliſhed reſpecting the rights of defence it follows, that the performance of a valid promiſe may be ſuſpended, as long as the promiſer has ſufficient reaſon to believe that the thing promiſed, if delivered, would be employed in an attack on the rights of himſelf, or of ſome perſon under his protection; unleſs there were an expreſs or implied condition to the contrary.

Extorted promiſes are naturally binding.

This point has long been conteſted among moraliſts. To argue it fairly, we muſt ſup-

poſe that the extorted promiſes are not ſuch as would be void, if they were voluntary.

On what plea then is an exemption from the general obligation of performance claimed for him whoſe engagement was extorted?

1ſt. It is claimed, becauſe the promiſer entered into the engagement in conſequence of violent conſtraint and apprehenſion.

By our previous ſuppoſition the promiſer was not reduced to a phyſical incapacity of underſtanding and adopting either of the alternatives offered to him. How then did the force and apprehenſion affect him? They laid a ſtrong bias on his will, and ſet before him a powerful temptation to make the promiſe. And does this circumſtance render the promiſe void? If you affirm that it does, you muſt affirm the ſame in every caſe in which the promiſer is under an inducement equally ſtrong, ariſing from perſuaſion, or from intereſt, or from paſſion; for, provided the bias be laid on his will, and the temptation be ſet before him, it is of no more conſequence to the argument by what means this is effected, than

than it is whether the aſſailant in the preſent caſe attacked him with a ſword or a club. And further, ſince it is impoſſible to aſſign a reaſon why any particular degree of bias is the loweſt which exempts a man from the obligation of performance, you muſt ultimately maintain that every promiſe, contracted in conſequence of any the moſt trifling inducement, is void; in other words, you muſt maintain that no man ever was bound, or ever will be bound, to perform any promiſe whatever [1].

2d.

[1] Dr. Rutherforth, in his Inſtitutes of Natural Law, Vol. I. p. 189, after reprehending with juſtice the confuſed and inconſiſtent reaſoning of Grotius on the ſubject of extorted promiſes, decides, that promiſes made through the impulſe of fear to the party who occaſions that fear, are naturally void. This poſition has been already ſhewn to be erroneous (in conſidering the firſt of the arguments urged againſt the validity of extorted promiſes), as far as it is reſted on the fear to which the promiſer was ſubject. Dr. Rutherforth, however, reſts his deciſion on another ground, which, as we ſometimes hear ſimilar reaſoning urged at preſent, it may be right briefly to notice. "Such a promiſe," he obſerves (p. 190), "is not binding; not "upon account of the promiſer's fear, but upon account "of the other party's injuſtice. No right can be founded "in an injury; every unjuſt act is void as to all the mo-

2d. But the promiſer, it is contended, notwithſtanding his outward actions, did not give his mental conſent.

ral effects of it, and conſequently can never produce a demand in the perſon who is guilty of it." Now with reſpect to the maxim, that *no right can be founded in an injury*, on the validity of which the preſent queſtion hinges; it is a maxim which the laws of human ſociety have with great wiſdom eſtabliſhed in many caſes (in no country is it known to be by any means univerſally eſtabliſhed), as a fundamental principle of juriſprudence: the legiſlators juſtly concluding, that one of the moſt efficacious methods of deterring bad men from injurious acts is to preclude them from deriving any right or advantage from the injury. But it is a maxim which has no natural validity, when conſidered as independent of ſocial inſtitutions: for what are the circumſtances which are naturally requiſite to eſtabliſh the transfer of a right from one perſon to another? Theſe, and theſe only; that the poſſeſſor ſhould have the power, and ſhould ſignify his conſent, to transfer it to the other party; and that the latter ſhould have the power of accepting it, and ſhould ſignify his acceptance. All theſe requiſites exiſt in full force in the caſe under examination. The promiſer being confeſſedly, notwithſtanding his fear, in the poſſeſſion of his faculties, and therefore a moral agent, has the power, and he expreſſes his conſent, to transfer the right. The other party's injuſtice, be it ever ſo great, manifeſtly does not impair, nor has it any tendency to impair, his natural power of accepting the right; and he teſtifies his acceptance of it. The right therefore is transferred; the promiſe is binding.

His mental reſervations, which did not appear, were as immaterial to the validity of the promiſe as if they had never exiſted. He knew that every thing was done which conſtitutes a promiſe[m]; he knew that his conſent was underſtood to be given, and that it was accepted by the other party. On the preſent plea, any voluntary engagement might be evaded, and any gift reclaimed. The promiſe under conſideration was ſubſtantially made; why is it not faithfully performed?

3d. The promiſer, it is finally aſſerted, is exempted from the obligation of performance by the principles which have been eſtabliſhed in the preceding chapters: for it has there been proved, that every man has authority from God when ſelf-defence requires, to deprive an aggreſſor of any of his poſſeſſions or

[m] Dr. Ferguſon (Inſtitutes of Moral Philoſophy, 2d ed. p. 189.) contends, that an extorted promiſe is not binding, becauſe the promiſee could not have a reaſonable expectation of its performance being intended. Surely he did expect it to be performed, or why was he at the trouble of exacting it? Whether his expectations were reaſonable or not, is a matter of no conſequence; ſince they were known to the other party, who by his promiſe engaged to ſatisfy them.

endowments.

endowments. The promiſer therefore, even if he admits the other party to have originally acquired a right through his engagement, may yet withhold the thing promiſed, or may forcibly reclaim it if delivered; either the former [n] ſtep being requiſite for his ſelf-defence, or the latter for his indemnification.

To this reaſoning, which at firſt ſight appears plauſible, the following anſwer may be returned.

The promiſer, it is granted, is naturally authoriſed to uſe all neceſſary force againſt an aggreſſor in defence of his rights, unleſs he be under an engagement to the contrary. But the thing which he has promiſed is no longer his right; he has made it the right of the promiſee by his own transfer; and was aware that he was underſtood to reſign all claim to it of every kind which he poſſeſſed before that tranſaction. Conſequently he has no pretext for detaining it on the plea of ſelf-defence, nor for reſuming it on the ground of indemnification.

[n] Dr. Ferguſon (p. 189, 2d edit.) alleges an argument of this kind.

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The reaſoning and the rules which have been applied in the preſent chapter to the caſe of promiſes, may with equal eaſe and propriety be transferred to the caſe of oaths. For oaths are in other words promiſes, in which a direct and open appeal is made to the Deity, calling upon him to puniſh the breach of the engagement: whereas in ordinary promiſes, the Deity is referred to only in that tacit and indirect manner, in which we habitually refer to him as the ſource of moral obligation, and the final judge of all moral conduct. This explanation of the nature of an oath evidently ſhews why the guilt of perjury is more heinous than that of common falſehood; but it alſo clearly points out the heinous guilt of the latter°.

° I am aware that I ſhall incur the charge of diſorderly arrangement, by ſubjoining to an inquiry into the nature of engagements in general ſome obſervations relating to a particular engagement, inſtituted in a particular country. Yet it is at all times uſeful to illuſtrate moral rules by applying them to caſes actually exiſting. I have already exemplified this practice in a former chapter, where I applied the principles there laid down to the African Slave Trade. And as it is undeniably of great importance that juſt ſentiments ſhould be entertained reſpecting the meaning of ſubſcription to the thirty-nine articles, and as the opinion which Mr. Paley maintains on the ſubject appears

appears to me not only unſupported by argument but likely to be productive of conſequences highly pernicious; I truſt the reader will pardon a deviation from the ſtrictneſs of method.

Mr. Paley having previouſly obſerved, in conformity to his rule for the interpretation of promiſes, a rule perfectly juſt, and already quoted by me in this chapter, that the "animus imponentis" indicates the ſenſe in which the articles are to be ſubſcribed, affirms, p. 219, that "the legiſlature of the 13th Eliz. is "the impoſer."

The latter poſition is fundamentally erroneous.

The *preſent* legiſlature of this country, which, by forbearing to exerciſe its acknowledged power of repealing the act of 13th Eliz. ſanctions and enforces that act, is the impoſer of ſubſcription on the exiſting generation; and it is conſequently the intention of the preſent legiſlature which the ſubſcriber is bound to ſatisfy.

That ſubſcription may be juſtified without an actual belief of each of the articles, as I underſtand Mr. Paley afterwards to intimate, is a gratuitous aſſumption. On this point the articles ſpeak for themſelves. Why is an article continued in its place if it be not meant to be believed? If one may be ſigned without being believed, why may not all? By what criterion are we to diſtinguiſh thoſe which may be ſubſcribed by a perſon who thinks them falſe, from thoſe which may not? Is not the preſent mode of ſubſcription virtually the ſame as if each article were ſeparately offered to the ſubſcriber? And in that caſe could any man be juſtified in ſubſcribing one which he diſbelieved? Theſe are queſtions which ſhould

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be fairly conſidered and ſatisfactorily anſwered, before any one can conſcientiouſly uſe the latitude offered to him by Mr. Paley's explanation.

No circumſtance could have a more direct tendency to enſnare the conſciences of the clergy, no circumſtance could afford the enemies of the eſtabliſhed church a more advantageous occaſion of charging her miniſters with inſincerity, than the admiſſion of a vague opinion that the articles may ſafely be ſubſcribed without a conviction of their truth, taken ſeverally as well as collectively. That opinion I have ſeen maintained in publications of inferior note; but it was with ſurpriſe and concern that I beheld it avowed by a writer of ſuch authority as Mr. Paley.

It is poſſible that ſome of the articles may be worded in ſuch a manner, as to be fairly interpreted in a ſenſe not only not foreſeen or intended by the original impoſers, but oppoſite to the opinions entertained by them reſpecting the doctrines in queſtion. Yet, ſhould the caſe be ſo, ſuch articles may be ſubſcribed in this ſenſe with a ſafe conſcience, if there is ſufficient reaſon to believe the preſent impoſers ſatisfied with that ſubſcription.

If the terms, in which any of the articles are expreſſed, may be fairly interpreted in more ſenſes than one; and if it be a known fact that the generality of ſubſcribers concur in one particular interpretation; that interpretation, eſpecially if it has for a very conſiderable time been uſually received, may at leaſt be deemed one of the ſenſes, if not the excluſive ſenſe, in which aſſent is required by the legiſlature: for if it were not, the legiſlature, it may be preſumed, would have altered the articles, or have pointed

out

out the preciſe meaning in which it deſigned them to be underſtood.

It is, however, no eaſy taſk to prove the expediency and propriety of continuing an article, which may be ſubſcribed in oppoſite or in diſcordant ſenſes.

CHAP.

CHAP. XI.

GENERAL REVIEW OF THE NATURAL RIGHTS AND OBLIGATIONS OF MEN.

It has been ſtated heretofore, that by a right I mean authority from God for the enjoyment of any particular thing, or for the performance of any particular action; that is to ſay, ſuch authority to enjoy the thing, and to perform the action, as excludes the right of interference on the part of other men.

It was alſo obſerved that the term right is occaſionally uſed, in compliance with cuſtom, to denote what is in ſtrictneſs of ſpeech the object of a right; as when it is ſaid that life is one of the rights of man.

By natural rights are meant thoſe rights which an individual poſſeſſes independently of the inſtitution of civil ſociety.

Theſe

Theſe rights, for the ſake of perſpicuity, ſhall here enumerate, referring to the preceding chapters for particular obſervations reſpecting each.

Every individual naturally poſſeſſes

A right to life.

A right to freedom from perſonal injury and from perſonal reſtraint.

A right to appropriate to himſelf ſuch a portion of the unappropriated productions of the earth, and ſuch a portion of unappropriated land, as is neceſſary for his comfortable ſubſiſtence. The ſcriptures give him a ſimilar right over animals.

A right to accept from others, and appropriate to himſelf, ſuch rights as they are authoriſed to transfer to him.

A right to defend any of the rights of himſelf, or of thoſe under his protection,

tion, againſt an aggreſſor by the uſe of all requiſite force in oppoſition to him; either by reſiſting his attacks, or by making the firſt attack upon him; or by inflicting puniſhment on him; ſo far, and ſo far only, as is neceſſary for ſuch defence.

A right, in caſes of injury ſuſtained by himſelf, or by thoſe whom he protects, to exact reſtitution, or indemniſication, from the aggreſſor, by the uſe of all neceſſary force againſt him.

Laſtly. A right to wave, to abridge, or to alienate, any of his rights at his own diſcretion; except ſuch as he may himſelf have acquired under an expreſs or implied condition to the contrary, or may have ſubjected to ſuch a condition afterwards.

Theſe are the natural rights of men, who do not labour under a phyſical incapacity of underſtanding, and fulfilling the purpoſes of human exiſtence. The peculiar reſtrictions to which perſons of the oppoſite deſcription

are naturally ſubject, and the conſequent rights which others poſſeſs over them, have been ſtated in the third chapter.

Right and obligation are correlative terms. Wherever any individual has a right, all others are under an obligation not to make an attack upon it. In every ſuch caſe they are under a ſpecial obligation both to God and to the owner of the right; for obedience is due to God who conferred the right; and every man is entitled to freedom from injury. But the original obligation which each individual is under to exerciſe and diſpoſe of his own rights in ſuch a manner as may beſt promote the purpoſes of his being, is an obligation to God alone.

No circumſtance has more materially contributed to introduce confuſion into moral reaſoning than the various and even hoſtile ſignifications in which the word right has unfortunately been employed. Not in converſation only, but in books of repute, expreſſions like the following are common: "It is right that you ſhould relieve a beg-" gar"—"I have a right to refuſe, if I

" think

" think fit"—" The Almighty has a right " to your conſtant obedience"—" I have a " right to ſquander away my eſtate, though " I know it will diſpleaſe him." There is a ſenſe in which each of theſe poſitions is true; but it is evident, that if ſuch a ſenſe is to be found for each of them, it muſt be found by taking the word right in various acceptations. Were that word uſed in all of the ſentences in queſtion, according to one clear and preciſe definition, they would manifeſtly involve poſitive contradictions. One principal ſource of theſe inconſiſtencies has been the injudicious practice of moraliſts, in dividing rights into two kinds, which they have termed perfect and imperfect. This diviſion I have rejected, as being radically indefenſible and groundleſs, and a ſource of continual and important errors. Under the title perfect, all rights whatever were in fact comprehended. Thoſe denominated imperfect, were not rights, according to any conſiſtent definition of that term. If I were told by a moral philoſopher, that a perſon in diſtreſs had a right to my charity, I ſhould admit that he might have good reaſons for preſuming

that I ſhould relieve him; becauſe he might reaſonably expect that I ſhould cheerfully employ the gifts which God had beſtowed upon me, in a manner ſo conformable to the will of the donor: but I ſhould deny that he had a *right* to that aſſiſtance from me which my Creator gave me authority to confer or to withhold at my diſcretion; an authority for the due exerciſe of which I am anſwerable to him alone.

The ſame argument would apply with equal force to all other *reaſonable expectations*. The name of reaſonable expectations, is in truth, the ſtrongeſt appellation which can be given to the ſuppoſed claims, which have been erroneouſly termed imperfect rights.

The introduction of imperfect rights was neceſſarily followed by a train of imperfect obligations. Theſe, of courſe, reſt on the ſame unſubſtantial foundation with the ſuppoſed rights to which they correſpond. Thus, I am under no obligation to a beggar to relieve him, becauſe he has no right to my

aſſiſtance. My obedience is due to God; and therefore I am under an obligation to God to relieve the beggar, if I think upon the whole that it is the divine will that I ſhould. But this is a point which I am to decide for myſelf; and, in making the deciſion, it is my own conſcience alone, and not the beggar's expectations, which I am bound to ſatisfy.

Mr. Paley adopts the diviſion of rights and obligations into perfect and imperfect, though apparently againſt his better judgement [a]. He alſo affirms, in conformity to his general principle, that "perfect rights can only be "diſtinguiſhed by their value [b]." It ſhould ſeem, according to this poſition, that a candidate at an election, who merits the vacant ſeat, and thinks the poſſeſſion of it as valuable to him as one of his eſtates, has as truly a perfect right to the former as he has to the latter. If this and other neceſſary conſequences of the rule ſhould be contradicted by ſome parts of Mr. Paley's work, that

[a] Paley, Vol. I. Page 91. [b] Vol. II. Page 3.

circumſtance, far from obviating the arguments againſt the rule itſelf, will only ſhew at what oppoſite concluſions the moſt acute reaſoner will arrive, who takes general expediency for his guide.

PART III.

APPLICATION OF THE PRINCIPLES WHICH HAVE BEEN ESTABLISHED TO THE CONSTITUTION OF CIVIL SOCIETY.

CHAP. I.

THE TRUE GROUNDS OF CIVIL OBEDIENCE EXPLAINED.—ERRONEOUS NOTIONS REFUTED.

WHATEVER opinions may have been prevalent under the reign of the Stuarts, I apprehend that no intelligent Engliſhman, who ſhall have peruſed Mr. Paley's very ſatisfactory chapter "on the duty of Civil Obedience as ſtated in the Chriſtian Scriptures," will heſitate to admit that author's concluſion: "That, as to the *extent* of our civil rights "and obligations, Chriſtianity hath left us "where ſhe found us; that ſhe hath neither

" altered nor aſcertained it; that the New " Teſtament contains not one paſſage which, " fairly interpreted, affords either argument " or objection applicable to any concluſions " upon the ſubject, that are deduced from " the law and religion of Nature."

This fundamental point being determined, I muſt recall the reader's attention to a propoſition, the truth of which has already been proved: That in no caſes except the following is any perſon authoriſed to deprive another of the gifts of God, or to reſtrain him in the enjoyment of them.

1ſt. When he proceeds to ſuch deprivation or reſtraint in conſequence of immediate inſpiration from God.

2ndly. Or in conſequence of its being neceſſary for the defence of himſelf, or of ſome perſon under his protection, againſt the unauthoriſed attempts of the other party.

3dly. Or in conſequence of the conſent of the individual thus deprived or reſtrained[a].

[a] See Part II. Chap. II.

I. Since

I. Since there is no apparent probability that, in the preſent period of the world, inſpiration will interpoſe to define the rights of governors and the duties of ſubjects; and ſince, if it ſhould interpoſe, the only line of conduct to be adopted would be implicit ſubmiſſion; the firſt of the preceding caſes does not require further illuſtration.

II. The force, exerciſed in conſequence of the neceſſity ſtated in the ſecond caſe, is juſtifiable only to the extent and during the continuance of that neceſſity. Situations may ariſe in which, on the plea of this neceſſity, an aggreſſor may juſtly be reduced to the alternative of undergoing the puniſhment which he has deſervedly incurred, or of entering into civil ſociety with his opponent; and in like manner a conquered country may be led to connect itſelf with the victorious ſtate. And in a few ſcattered inſtances that aſſertion may poſſibly be true, which ambition has always in its mouth as a plea for encroachments; namely, that the union of the conquered ſtate with its neighbour is the only method which can give reaſonable ſecurity to the latter againſt further aggreſſions juſtly apprehended from the

the former. It is alſo poſſible that an unjuſt attack may influence the weaker party to accede to a ſimilar union with the oppreſſor. In the firſt and third however of theſe caſes, the conſent of the vanquiſhed, though extorted, is the circumſtance which lays them under the ſocial obligation; for it was in their option either to endure extremities, or to ſubmit to the terms propoſed. In the ſecond caſe which was ſtated, the ſubmiſſion of the vanquiſhed country is founded, in the firſt inſtance, on juſt coercion: and the ſame coercion may juſtly be continued as long as the only cauſe which will juſtify it remains; that is to ſay, as long as there continue to be ſufficient grounds for apprehending further unjuſt attacks from the ſubjugated party. But when thoſe grounds no longer exiſt, the right of compulſory dominion, which was founded on them, ceaſes alſo; and therefore the ſubſequent exerciſe of dominion cannot be juſtified, unleſs the inhabitants of the originally ſubjugated country authoriſe it by conſent expreſſed or implied. Now it is by no means likely that thoſe primary grounds of dominion, of which we have been ſpeaking, ſhould ſubſiſt very long. For it is not probable that both the

the deſire and the power of making unjuſt attacks on its neighbour ſhould ſubſiſt from generation to generation in the diſtrict in queſtion, in ſuch a degree, as would juſtify the other party in holding that diſtrict in a ſtate of political ſlavery; and ſuch is the ſtate of compulſory ſubmiſſion, however wiſe and equitable may be the particular form of government maintained by that compulſion. At any rate however one point, and it is the main point with which we are concerned in the preſent enquiry, is evident; namely, that with whatever juſtice the plea of compulſory dominion now inveſtigated may be alleged in any particular inſtance, it is a plea which can refer only to the caſe of an independent country or diſtrict, conſtrained to admit the control of an injured neighbour. It is a plea which in the nature of things is totally irrelevant to the caſe of a nation conſidered collectively, on the one hand, as oppoſed to the perſons to whom it has delegated the powers of government, on the other; and therefore can never be applied to the deciſion of conteſts between a nation and its individual rulers reſpecting the right of the latter to the exerciſe of power.

III. There-

III. Therefore, ſpeaking generally, the only juſt foundation of civil government is the conſent of the governed.

As this concluſion immediately and inconteſtably follows from principles, the validity of which has been eſtabliſhed in the preceding pages, it cannot be neceſſary to enter into a prolix refutation of the various unſubſtantial pleas on which governors, in different ages and different parts of the world, have reſted their claim to dominion. Yet, on account of the importance of the ſubject, it may not be uſeleſs to return a ſhort and diſtinct anſwer to ſuch of thoſe pleas as have been moſt commonly maintained in theory or in practice.

If the governor, like ſome of the Eaſtern deſpots, reſts his claim on the ſuperior dignity of his own nature, or on a plea ſeemingly countenanced by ſome writers, the poſſeſſion of a certain tranſcendancy of genius calculated and as it were naturally deſtined to command, and thence infers that he has a right to compel his fellow-creatures to obey, for the purpoſe of promoting either his happineſs or their own;

own; what reply ſhall we give to an argument, which, if it were ſolid, would authoriſe every man to enſlave his leſs enlightened neighbour, and would juſtify a Newton in ſeizing the ſovereignty of the world? We may recur to that train of reaſoning, by which it has been already proved that no man would be authoriſed, on the plea of promoting the happineſs either of himſelf or of another, even if the object could certainly be attained, forcibly to reſtrain an unoffending individual in the uſe of the gifts beſtowed on him by his Maker.

The poſition that ſome men are naturally entitled to the exerciſe of dominion, and others prohibited from refuſing obedience, independently of any direct or virtual contract between the parties themſelves, has been in all ages the moſt ſtrenuouſly defended by thoſe, who have expected to reap credit or advantage from the eſtabliſhment of it; and it has been maintained at various periods under various forms, reſpectively ſuited to the genius of its partizans, and the prejudices of the times. The prince of the ancient philoſophers pronounced that Nature had deſtined the barbarians

barians to be ſlaves. And all were barbarians who were not Greeks. The ruder nations of ſucceeding ages, more prone to the impulſe of headlong valour, than diſpoſed to the ſubtleties of metaphyſical diſquiſition, averred that all things were open to military proweſs, and that the gods confirmed the title of the victors. Modern authors, who have undertaken to vindicate the opinion in queſtion, have in [b] general abandoned the modes of defence traced out to them by the ſelfiſh arrogance of the Grecian, and the wild ferocity of the Goths, and have alleged arguments in its favor more congenial to their own prepoſſeſſions, and to thoſe of their countrymen and cotemporaries: ſometimes founded on the miſinterpretation or perverſion of ſcripture; ſometimes on erroneous inferences drawn from reaſon and philoſophy. To the former

[b] The language publicly held by ſeveral advocates for the African Slave-Trade, who have not ſcrupled to pronounce the negroes a race inferior to Europeans and created to be their ſlaves, obliges me to ſpeak with ſome reſervation. Similar opinions were delivered in the ſixteenth century by many Spaniſh eccleſiaſtics reſpecting the natives of the newly diſcovered iſlands of America. See Dr. Robertſon's Hiſtory of America, 4th ed. Vol. I. P. 265, and 284.

claſs of writers may be referred thoſe, who have contended for the civil or ſpiritual ſupremacy of the Pope, and for the extravagant dominion which has been claimed by eccleſiaſtics over the laity; thoſe who, on the ground of ſome expreſſions in the New Teſtament, have upheld the doctrine of divine right on the part of ſovereigns, and paſſive obedience on that of their ſubjects; and thoſe who, ſcarcely attempting to unite the disjointed links in the chain of their reaſoning, have aſſerted, that kings are entitled to unlimited power in conſequence of the pre-eminent authority, with which they ſuppoſe our common forefather Adam to have been inveſted. Happily theſe doctrines are all ſo generally exploded as not to require a particular diſcuſſion in this place. To the ſecond claſs of writers mentioned above, belong thoſe who found the right of one man, or of one ſet of men, to exact obedience from others ſolely on hereditary claims and ancient cuſtoms; on the mere ground of conqueſt and forcible poſſeſſion; on references to general utility; or on a ſimple attention to local expediency.

The right of exerciſing government over others,

others, independently of any conſent on their part, for the ſake of local expediency, or in other words of making them happy, has been already conſidered.

Should aſſumed dominion be vindicated on the grounds of general expediency, the ground on which Mr. Paley founds every right of the civil governor, I ſhall only obſerve that, if this plea has not already been abundantly overthrown, I muſt deſpair of alleging any ſatisfactory argument againſt it.

Perhaps the claim is reſted on the ground of conqueſt or captivity. Theſe grounds have in fact been conſidered a few pages back. If the war was not undertaken by the victors either in the juſt defence of themſelves, or of others under their protection, it was an unauthoriſed attack on their opponents; and mere ſucceſs in ſuch an attack gives the conqueror no right to impoſe forcible reſtraints on his vanquiſhed or captive antagoniſt. If the latter, preſented only with a choice of evils, agrees to acknowledge the authority of his too fortunate enemy, the governor has then acquired a right to enforce ſubmiſſion; but he has

has acquired it from the conſent of his ſubject. Until that conſent is expreſsly or impliedly given, the pretended ſovereign is an uſurper; and has no better title to the fruits of his conqueſt than an highwayman has to his booty. If the war was originally juſt, the conqueror has a right to exerciſe dominion over the defeated party, ſo far as is neceſſary to inſure to himſelf indemnification for the injuries already ſuſtained, and ſecurity from any further violence which he believes to be meditated. After the attainment of theſe purpoſes, conſent alone, inveſting him with civil authority, can authoriſe the continuance of his juriſdiction.

Sovereignty exerciſed on the grounds of hereditary claims and ancient cuſtom, almoſt always implies the conſent of the governed. If it were exerciſed without having ever received the ſanction of their conſent, it would be no other than forcible poſſeſſion. The total inſufficiency, in point of juſtice, of ſuch poſſeſſion to eſtabliſh a real title to ſovereignty has been expoſed already.

But perhaps the governor grounds his claim to ſovereignty on the ſingle circum-

ſtance of the individual, whoſe obedience he requires, having been born within his territories. At the preſent day, and in this enlightened part of Europe, he cannot ſurely mean to have the claim underſtood according to the exploded notions of feudal vaſſalage. He cannot mean to imply that man is attached, like a tree, to the ſpot of land on which he is originally placed; that he is an appendage inſeparable from the ſoil, and neceſſarily ſubject to the ſame reſtrictions. He muſt confeſs that God has beſtowed upon every man certain natural rights, in whatever region he may chance to paſs the firſt moments of his exiſtence; and muſt explain his claim to imply, that the conſtitution of the country entitles him to allegiance from every perſon born within the limits of its juriſdiction. How then has the individual in queſtion loſt his natural right to freedom? Has he forfeited it by his crimes? That is not pretended; the claim of allegiance embraces alike the innocent and the guilty. In what manner therefore have the conſtitution and laws of the country acquired authority to control his original rights? Theſe rights, until he arrived at

ſuch an age as to be entitled to act wholly for himſelf, were to a certain degree at the diſpoſal of his parents or protectors: but when that period is arrived are they not abſolutely his own by the gift of God? By the gift of God they are abſolutely his own; and as long as he abſtains from invading the rights of others, no perſon whatever can claim any juriſdiction over him, until it be ſanctioned by his expreſs or implied conſent.

CHAP. II.

ORIGIN OF CIVIL GOVERNMENT.

"GOVERNMENT at firſt was either patriar-
"chal or military; that of a parent over his
"family, or of a commander over his fellow-
"warriors[a]."

Were I to undertake the defence and illuſtration of this poſition ſtated by Mr. Paley, I could not accompliſh my deſign in any method ſo effectual, as by tranſcribing his own very accurate diſcuſſion of the ſubject. I will not, by abridging his remarks, exhibit them to diſadvantage; nor ſhould I dwell on this topic, were it not for the purpoſe of ſhewing that the rights of civil government appear from Mr. Paley's account of their origin to have been actually eſtabliſhed on conſent alone: a circumſtance not a little unfavourable to his ſubſequent reaſoning, in which he continually appeals to fact and experience in ſupport of his own ſyſtem.

[a] Paley, Vol. II. Page 111.

Having

Having alluded to the rights which parents naturally poſſeſs over their children, previouſly to their arrival at years of diſcretion, Mr. Paley obſerves, that "a parent [b] would "retain a conſiderable part of his authority "after his children were grown up, and had "formed families of their own. The obe- "dience, of which they remembered not "the beginning, would be conſidered as "natural; and would ſcarcely during the "parent's life be entirely or abruptly with- "drawn." Theſe words imply that the children, when grown up, were at liberty to withdraw their obedience, had they thought proper to take this ſtep. And this inference is confirmed by Mr. Paley's obſervations on the rights and duties of parents in another part [c] of his work; wherein he concludes that the former owe their origin and validity to the latter; and that the right of coercion exiſts no longer than it is neceſſary for the purpoſe of enabling the parent to enſure the welfare of his child, as yet too young to provide for himſelf. Of courſe, when that period is elapſed, all further ſubjection on the part of the child muſt be voluntary.

[b] Page 112. Vol. II. [c] Page 368. Vol. I.

That the ſucceſſor of the parent derives his authority ſolely from the conſent of the other members of the ſociety, Mr. Paley evidently allows; ſince he deſcribes him as [d] appointed to his office by their own "formal choice," or by a "willing transfer" of their obedience, encouraged perhaps by motives of reſpect for their firſt anceſtor.

That the military chief owes his [e] appointment to the conſent of his fellow-warriors is a fact ſufficiently obvious.

Laſtly. The cauſes which Mr. Paley enumerates [f] as having given riſe to the rule of hereditary ſucceſſion, are all of them motives by which the members of a community would be induced to eſtabliſh that rule by conſent; but they do not, either ſingly or collectively, afford an argument to prove that by any other means than conſent the eſtabliſhment could juſtly have taken place. And as Mr. Paley's own ſtatements have proved that civil government, whether adminiſtered by the parent, by the perſon appointed after his

[d] P. 113. [e] P. 114. [f] P. 115, 116.

death

death to ſupply his place, or by the military chieftain, was founded in fact on the conſent of the party governed; it would be abſurd to ſuppoſe that the eſtabliſhment of a line of hereditary ſucceſſors to any of theſe governors could have any other foundation.

CHAP. III.

EXAMINATION OF SOME OF MR. PALEY'S OBJECTIONS TO THE ESTABLISHMENT OF CIVIL OBEDIENCE ON THE CONSENT OF THE GOVERNED.

THOUGH I apprehend it to have been clearly proved, that the conſent of the ſubject is the only juſt foundation on which civil government can be eſtabliſhed; yet the authority of Mr. Paley, who totally rejects this doctrine, is ſuch as to entitle the particular arguments which he urges againſt it to diſtinct conſideration. I ſhall enter into an examination of them with the greater willingneſs, as in the courſe of it I ſhall have an opportunity of making ſome remarks, which may tend to elucidate the true nature of ſocial polity.

The theory, againſt which Mr. Paley immediately directs his attack, is a theory which I think by no means unobjectionable. I ſhall proceed to ſeparate thoſe parts of it which are indefenſible from thoſe which appear to reſt on immovable foundations; after premiſing that

that it is not this theory alone, but every theory which grounds civil obedience on the conſent of the ſubject, that Mr. Paley labours to explode. He [a] rejects "the intervention of "a compact as unfounded in its principle, and "dangerous in the application;" and ſubſtitutes [b] "public expediency in the place of all "implied compacts, promiſes, or conventions "whatſoever."

Mr. Paley obſerves that the compact, which Mr. Locke and other political writers affirm to ſubſiſt between the citizen and the ſtate, is twofold.

"Firſt[c]: An *expreſs* compact by the pri-"mitive founders of the ſtate, who are ſup-"poſed to have convened for the declared "purpoſe of ſettling the terms of their politi-"cal union, and a future conſtitution of go-"vernment. The whole body is ſuppoſed, "in the firſt place, to have unanimouſly con-"ſented to be bound by the reſolutions of the "majority; that majority, in the next place, "to have fixed certain fundamental regula-

[a] Paley, Vol. II. P. 141. [b] P. 143. [c] P. 130.

"tions;

" tions; and then to have conſtituted, either " in one perſon or in an aſſembly (the rule " of ſucceſſion or appointment being at the " ſame time determined) *a ſtanding legiſlature*, " to whom, under theſe pre-eſtabliſhed reſtric- " tions, the government of the ſtate was thence- " forward committed; and whoſe laws the " ſeveral members of the convention were, by " their firſt undertaking, thus perſonally en- " gaged to obey. This tranſaction is ſome- " times called the *ſocial compact*; and theſe " ſuppoſed original regulations compoſe what " are meant by the *conſtitution*, the *fundamen- " tal laws of the conſtitution*; and form on one " ſide the *inherent indefeaſible prerogative* of " the crown, and on the other the *unalienable* " *birth-right* of the ſubject."

" Secondly. A *tacit* or *implied* compact, " by all ſucceeding members of the ſtate, who, " by accepting its protection, conſent to be " bound by its laws; in like manner, as who- " ever *voluntarily enters* into a private ſociety " is underſtood without any other or more ex- " plicit ſtipulation, to promiſe a conformity " with the rules, and obedience to the govern- " ment, of that ſociety, as the known condi-

" tions

" tions upon which he is admitted to a parti-
" cipation of its privileges."

" This account of the ſubject, although ſpe-
" cious, and patroniſed by names the moſt
" reſpectable, appears to labour under the
" following objections; that it is founded
" upon a ſuppoſition, falſe in fact, and lead-
" ing to dangerous concluſions."

In ſupport of his objections, Mr. Paley proceeds, in the firſt place, to conteſt the exiſtence of the *expreſs* compact ſtated and deſcribed above. He obſerves [d] that " no
" ſocial compact, ſimilar to what is here de-
" ſcribed, was ever made or entered into in
" reality; no ſuch original convention of the
" people was ever actually held, or in any
" country could be held, antecedent to the
" exiſtence of civil government in that coun-
" try.

" It is to ſuppoſe it poſſible to call ſavages
" out of caves and deſerts, to deliberate and
" vote upon topics, which the experience,
" and ſtudies, and refinements, of civil life

[d] Page 132.

" alone

" alone ſuggeſt. Therefore no government " in the univerſe *began* from this original."

Afterwards Mr. Paley adds, in reply to thoſe who propoſe this original compact, " not [e] as " a fact, but as a fiction, which furniſhes a " commodious explication of the mutual " rights and duties of ſovereigns and ſub- " jects," that, " if it be not a fact, it is " *nothing*; can confer no actual authority " upon laws or magiſtrates; nor afford any " foundation to rights, which are ſuppoſed " to be real and exiſting."

The utter impoſſibility of repelling this formidable attack on the exiſtence and efficacy of Mr. Locke's *original* compact I do not heſitate to acknowledge. I admit that no ſuch compact ever did or could exiſt in any country: that no government in the world has been thus eſtabliſhed; and that a ſuppoſed fictitious compact can never create a ſubſtantial right. But I muſt alſo remark, that the exiſtence or non-exiſtence of this original compact is a matter of perfect indifference to

[e] Page 134.

my

my argument; and a ſpeculation wholly unimportant to the preſent members of any ſociety. It has already been ſhewn, that every man is originally poſſeſſed of various rights by the immediate gift of God; rights which no ſtipulations of his anceſtors can ſhackle and abridge, ſince no earthly power can juſtly invade the gifts which any man has received from God, until he has conſented to reſign them, or has forfeited them by his crimes. His birthright is not unalienable; but it is alienable only by himſelf. If therefore ſuch an original compact had ever taken place, it would not have been obligatory on ſucceeding generations. They in their turn would enjoy from their Maker's bounty the ſame liberty with which their forefathers were endowed, of inſtituting ſuch a form of government as they ſhould deem for their advantage; of impoſing on their native freedom whatever additional reſtraints, unknown to their anceſtors, ſhould appear conducive to the common good; and of modelling, of curtailing, and of annihilating, whatever had been termed the inherent and inextinguiſhable prerogative of the crown.

Mr.

Mr. Paley, in the next place, points his artillery againſt the *implied* compact. "[f] The "native ſubjects, he obſerves, of modern ſtates "are not conſcious of any ſtipulation with "their ſovereigns; of ever exerciſing an elec- "tion whether they will be bound or not by "the acts of the legiſlature; of any alterna- "tive being propoſed to their choice; of a "promiſe either required or given; nor do "they apprehend that the validity or authority "of the laws depends at all upon their recog- "nition or conſent. In all ſtipulations, "whether they be expreſſed or implied, "private or public, formal or conſtructive, "the parties ſtipulating muſt both poſſeſs "the liberty of aſſent and refuſal, and alſo "be conſcious of this liberty; which cannot "with truth be affirmed of the ſubjects of "civil government, as government is now "or ever [g] was actually adminiſtered. This "is a defect which no arguments can excuſe "or ſupply; all preſumptions of conſent,

[f] Page 136.

[g] It is obvious that this aſſertion is incompatible with thoſe parts of Mr. Paley's Chapter on the Origin of Civil Government which have been recently quoted and conſidered.

"without

" without this conſciouſneſs, or in oppoſition " to it, are vain and erroneous."

If we ſhould admit Mr. Paley's ſtatements in this extract to be accurate in their utmoſt latitude, they would ſhew that government has not *in fact* been eſtabliſhed on the principle of the ſubject having given his conſent; but they do not afford the ſhadow of an argument to prove that it can *juſtly* be eſtabliſhed on any other principle: they contain not a ſingle expreſſion which may lead to prove a *right* in a civil governor to exact obedience, without having previouſly obtained the expreſs or implied conſent of the governed. I might therefore diſmiſs the objection, as totally irrelevant in an inquiry into the juſt foundation of civil government. In politics, as in all ſubjects, it is the buſineſs of the moraliſt to aſcertain the right, not to ſettle the fact. And that theſe may be very far removed from each other in the caſe of politics, Mr. Paley, in ſome parts of his work, has ſhewn himſelf ſufficiently aware [h].

But

[h] See the whole of the ſecond chapter of book the ſixth, and the firſt paragraph of chapter the third of the ſame

But theſe poſitions of Mr. Paley, if underſtood in that extent which the words ſeem naturally to imply, do not give an adequate repreſentation of the caſe as it really exiſts. With reſpect to our own government in particular, the fact is in many inſtances the reverſe of the preceding deſcription. Not only our ableſt political writers inculcate the doctrine of civil government originating from the conſent of the governed; not only the public ſpeakers in both houſes of parliament, however numerous, and however eſſential the topics may be on which they differ, univerſally concur in vindicating the native right of the people to frame their own ſyſtem of government, and thereby at once manifeſt and guide the general opinion of the nation; but almoſt every ſubject of the realm is apprized that the ſovereign at his coronation

ſame book. In particular, Mr. Paley expreſsly ſtates, in the firſt of thoſe two chapters (Vol. II. P. 122.) *Preſcription* to be in fact the foundation of moſt rights, perhaps of every right, in the apprehenſion of the multitude; yet does not ſeem to think his own theory, that general expediency is the only juſt foundation of all rights, invalidated thereby. Why then is the want of the ſupport of fact, ſhould ſuch ſupport be wanting, to be urged againſt another theory of right?

binds

binds himſelf by a ſolemn oath to obſerve certain ſtipulations, impoſed on the part of his ſubjects to mark the limits of his power; and believes that the wilful violation of them would abſolve him from allegiance. This principle is ſo well underſtood by Engliſhmen, and the ſignal recognition of it at the period of the Revolution has received ſuch general applauſe, that few could be ſelected even from the loweſt and moſt unenlightened claſſes, who would not think themſelves releaſed on this very principle from the obligation of obedience (however neceſſity might finally conſtrain, or perſonal motives lead them to acquieſce), if their monarch were forcibly to eſtabliſh the Roman catholic religion, or to transfer his dominions as a province to France. The preceding obſervations may be applied, in a greater or a leſs degree, to moſt, if not to all, European governments.

Further, it may be obſerved, with reſpect to moſt ſtates in this part of the world, and particularly concerning our own, that every man is conſcious that if he continues in the dominions of the ſtate he muſt ſubmit to its laws; and conſequently by this continuance

he tacitly and decidedly conſents to obey them[i]. And his cónſent is accepted by the ſtate through the medium of the laws, which deſcribe what perſons ſhall be conſidered as ſubjects. Whether he is aware of the contents of all, or of any, of theſe laws is a matter of no conſequence. My reader conſiders himſelf as under a general obligation to ſubmit to the preſent laws of the land, though perhaps there are few among them with which he is accurately acquainted.

But it may be ſaid, numbers are little informed, or totally ignorant, reſpecting their original rights, and obey without conſideration. Undoubtedly it muſt be owned that government is a ſyſtem too complex, and too far removed from the common apprehenſion of the crowd, to make it poſſible that in any

[i] Mr. Paley, p. 137, ſtates that the writers in favour of the implied compact maintain that allegiance is more eſpecially promiſed by the purchaſe and inheritance of lands. As I have not reſted any part of my argument on the circumſtance of holding lands (although a circumſtance affording an open proof of the occupier conforming to the laws and conſenting to be a member of the ſtate), it is not neceſſary for me particularly to conſider his remarks on that branch of the ſubject.

ſtate

ſtate it ſhould be univerſally underſtood. The intelligent alone will have a complete inſight into its principles and mechaniſm; others, as they gradually deſcend in the ſcale of ſociety, will entertain ideas more and more imperfect; until perhaps, in the very loweſt claſs, both knowledge and curioſity, with regard to the juſt grounds of ſubmiſſion, may be almoſt extinguiſhed. Nor is this partial ignorance peculiar to the ſubject of government; it prevails in a ſimilar degree, and with conſequences more to be lamented, with reſpect to religion. Yet neither in theſe, nor in any other examples, is any man diveſted of his native rights merely by the accidental circumſtance of having lived in ignorance of them; nor precluded from reclaiming, when he awakes from his trance, the boon which he has received from Heaven. The ſlave, who has neither ſurrendered his freedom by his conſent, nor forfeited it by his crimes, retains his title to it ſound and unimpaired, though he may have toiled for half a century inſenſible of the injuſtice of his bondage: as the Indian preſerves his claim to the bleſſings purchaſed for him by the death of Chriſt, though

he never heard of the name or of the exiſtence of his Redeemer.

As the ſubject is not diveſted of his natural rights by his ignorance of their exiſtence, ſo neither is the ſtate deprived of its title to his obedience by the circumſtance of his having conſented to obey on erroneous grounds, provided it has not in ſome very criminal manner contributed to create or to prolong his blindneſs.

But "if the [k] ſubject be bound only by his "own conſent, and if the voluntary abiding "in a country be the proof and intimation of "that conſent; by what arguments," demands Mr. Paley, "ſhall we defend the right, which "ſovereigns univerſally aſſume, of prohibiting when they pleaſe the departure of their "ſubjects out of the realm?"

I have advanced nothing which lays me under an obligation of defending every right aſſumed or exerciſed by ſovereigns. The poſition, which I have undertaken to main-

[k] Page 137.

tain,

tain, that the only juſt foundation of civil government is the conſent of the ſubject, may be inconteſtably true, although the practice mentioned by Mr. Paley ſhould be utterly indefenſible. It may however be remarked, that if the ſtate find it eſſentially requiſite, for the purpoſes of juſtifiable ſelf-defence, or the juſtifiable defence of other countries under its protection, to prohibit, either by a law enacted on the particular occaſion, or by a diſcretionary power veſted in the hands of a deputed legiſlature or chief magiſtrate, the departure of its ſubjects out of the realm, leſt they ſhould aſſiſt the enemy with intelligence, with their property, or with their perſonal ſervice, the impoſition of this reſtraint is a juſt exerciſe of an actual right; and it is a reſtraint which, under thoſe circumſtances, the ſtate would be juſtified in impoſing on every inhabitant of the realm, whether citizen or foreigner. The prohibition, whenever it is not requiſite on the abovementioned grounds, cannot be vindicated. But, if juſtifiable ſelf-defence require the general law, and its operation ſhould accidentally detain a particular individual, who might ſafely have been permitted to depart; the ſtate, if it be unable

to deviſe a teſt, whereby thoſe perſons whoſe departure would be compatible with its ſecurity may be aſcertained, is no more culpable than he who ſhould unintentionally wound a harmleſs paſſenger by diſcharging a piſtol at an aſſaſſin. It would be more obviouſly unreaſonable to accuſe the ſtate of confining the ſubject, and of exacting obedience without his conſent, if poverty, or an accidental circumſtance of a ſimilar nature, ſhould prevent him from leaving the country. If a tenant find himſelf compelled to hold a farm againſt his will, by being unable to bear the expence of removal, or in conſequence of having broken his leg; the landlord is not chargeable with detaining him, nor does he forfeit his titles to the rent.

" Still [1] leſs is it poſſible," adds Mr. Paley, " to reconcile with any idea of ſtipulation " the practice, in which all European nations " agree, of founding allegiance upon the cir- " cumſtance of nativity; that is, of claiming " and treating as ſubjects all thoſe who are " born within the confines of their dominions,

[1] Page 136.

" although

" although removed to another country in " their youth or infancy." In this inſtance " certainly the ſtate does not preſume a " compact."

I muſt again obſerve, that this practice, and other practices of ſtates, may be diametrically oppoſite to the poſition, that juſt government can be eſtabliſhed only on conſent, and yet that poſition may be true. What is right is often the reverſe of what is fact. Thus numberleſs actions ariſe daily from motives the moſt depraved; yet obedience to God is the only juſt principle of conduct. I will not repeat the reflections contained in the preceding chapter, on the obligation of allegiance being founded on the circumſtance of birth. I cannot however refrain from remarking, that the practice of executing as rebels thoſe who are taken in arms againſt the country in which they were born, although they have been nurtured in a foreign realm from their earlieſt infancy, is to be vindicated on no plea, except on that of ſelf-defence; and, without the ſtrongeſt proofs of its being neceſſary for that purpoſe, cannot be reſcued from the charge of barbarity and injuſtice.

CHAP. IV.

MR. PALEY'S REMAINING OBJECTIONS CONSIDERED.—COMPARATIVE VIEW OF THE TWO SYSTEMS.

"THE [a] theory of government, which "affirms the exiſtence and the obligation of "a ſocial compact, would, after all, merit little "diſcuſſion; and, however groundleſs and "unneceſſary, ſhould receive no oppoſition "from us, did it not appear to lead to conclu-"ſions unfavourable to the improvement and "to the peace of human ſociety."

This is an obſervation which very naturally ſuggeſts itſelf to a moraliſt, who pronounces on the moral rectitude of every action, and the obligation of every duty, ſolely according to his ideas of utility. Mr. Paley, in ſupport of his allegations, urges three additional objections to the doctrine of the rights of government being founded on the conſent of the ſub-

[a] Page 138.

ject,

ject, deſigned to ſhew the pernicious conſequences which, in his opinion, would enſue from admitting it. Theſe objections I ſhall diſtinctly conſider; but, previouſly to any examination of them, I muſt obſerve that, if the poſition againſt which their force is directed has already been proved by ſound reaſoning, not even a demonſtration that its reception would be followed, as far as man can trace its influence, by undeſirable effects would afford an argument againſt its truth,

Mr. Paley's firſt objection is couched in the following terms: "Upon [b] the ſuppoſition "that government was firſt erected by, and "that it derives all its juſt authority from "reſolutions entered into by a convention of "the people, it is capable of being preſumed "that many points were ſettled by that con-"vention anterior to the eſtabliſhment of "the ſubſiſting legiſlature; and which the "legiſlature conſequently has no right to alter "or interfere with. Theſe points are called "the *fundamentals* of the conſtitution; and, "as it is impoſſible to determine how many

[b] Page 138.

"or

" or what they are, the ſuggeſting of any " ſuch ſerves extremely to embarraſs the de- " liberations of the legiſlature, and affords a " dangerous pretence for diſputing the autho- " rity of the laws."

Theſe arguments apply ſolely to the *original expreſs* compact aſſerted by Mr. Locke, and others who have adopted the ſame idea. I have already denied the exiſtence of any ſuch compact; and have further endeavoured to ſhew, that, even if it had exiſted, the preſent generation could not have been diveſted of their natural rights by the mere private ſtipulations of their anceſtors. I ſhould not therefore have thought it neceſſary to quote the preceding paragraph, had it not been for the purpoſe of ſubjoining the obvious remark; that not one of the bad conſequences enumerated therein can poſſibly flow from the poſition that an individual, by voluntarily continuing in the ſtate, *impliedly* conſents to ſubmit to the exiſting laws, and thus confers on the community a title to his obedience.

Mr. Paley, in the ſecond place, alleges that,

that, "if[c] it be by virtue of a compact that "the ſubject owes obedience to civil govern- "ment, it will follow that he ought to abide "by the form of government which he finds "eſtabliſhed, be it ever ſo abſurd or incon- "venient: he is bound by his bargain. It is "not permitted to any man to retreat from "his engagement merely becauſe he finds the "performance diſadvantageous, or becauſe he "has an opportunity of entering into a better. "This law of contracts is univerſal."—"Re- "ſiſtance to the *encroachments* of the ſupreme "magiſtrate may be juſtified upon this prin- "ciple; recourſe to arms, for the purpoſe of "bringing about an amendment of the con- "ſtitution, never can."—"Deſpotiſm is the "conſtitution of many ſtates; and while a "deſpotic prince exacts from his ſubjects the "moſt rigorous ſervitude, according to this "account, he is only holding them to their "agreement."

I give Mr. Paley's arguments in his own words, that they may appear with their utmoſt force. Their validity reſts wholly on a

[c] Page 139.

preſumption

preſumption that it neceſſarily follows, from the aſſertion of a compact, that, whenever an individual becomes a member of a community, he thereby engages to abide by the ſyſtem of government which he finds eſtabliſhed, as long as his governors ſhall abſtain from encroachments. But, until Mr. Paley's hypotheſis be ſubſtantiated, until it be proved to be really the fact in each particular caſe to which the argument is applied, his objection can have no real weight.

When an individual enters into a civil ſociety, his implied promiſe to obey the laws neceſſarily ſuppoſes that he is alſo admitted to enjoy the rights of a citizen. It is given, not, in the firſt inſtance, to the prince or legiſlative body, but to the ſtate at large; and to the legiſlature only in virtue of its poſſeſſing the delegated authority of the ſtate. The citizens of each community are the ſource and fountain of civil power; for civil power, as we have proved, can be eſtabliſhed on no juſt grounds except their original and previous conſent: and their obligation to obedience is commenſurate with the right which they have themſelves created in the legiſlature

by

by a ſpecial grant of power, either expreſs or implied. If therefore we admit, in the caſe of any particular government, that the legiſlature has not tranſgreſſed its appointed bounds; yet, unleſs it can be demonſtrated that the citizens have at ſome particular period deprived themſelves of their natural right of reclaiming at their diſcretion this deputed authority, by entering into an engagement that the grant ſhall be irrevocable; and unleſs it can be further ſhewn, that every ſucceeding member of the ſtate has alſo bound himſelf by the ſame engagement; the whole of Mr. Paley's argument falls to the ground.

That theſe engagements may exiſt in a particular civil ſociety is certainly true. But that they do *neceſſarily* exiſt in every civil ſociety is not ſurely to be preſumed as ſelf-evident.

There is, in truth, no better reaſon for preſuming that he, who, by voluntarily becoming a member of a community, gives the legiſlature a deputed power over him, does thereby engage never to reſume the grant; than there would be for concluding that he,

who

who takes a houſe at a certain rent, does thereby engage to hold it during his life on the ſame terms; or that he, who voluntarily becomes the ſervant of another, does thereby contract never to quit his place, or to inſiſt on making a freſh bargain, as long as his maſter uſes him well, and pays him his preſent wages. Such extenſive and permanent engagements can never be inferred from the exiſtence of others of a limited nature; they muſt be proved by unequivocal ſtipulation.

Mr. Paley in the third place argues in the following manner: "Every [d] violation of the "compact on the part of the governor re- "leaſes the ſubject from his allegiance, and "diſſolves the government. I do not perceive "how we can avoid this conſequence, if we "found the duty of allegiance upon compact, "and confeſs any analogy between the ſocial "compact and other contracts. In private "contracts, the violation or non-performance "of the conditions by one of the parties va- "cates the obligation of the other. Now the "terms and articles of the ſocial compact

[d] Page 140.

"being

" being no where extant or expreſſed; the " rights and offices of the adminiſtrator of an " empire being ſo many and various; the " imaginary and controverted line of his pre- " rogative being ſo liable to be overſtepped " in one part or other of it; the poſition " that every ſuch tranſgreſſion amounts to a " forfeiture of the government, and conſe- " quently authoriſes the people to withdraw " their obedience, and provide for themſelves " by a new ſettlement, would endanger the " ſtability of every political fabric in the " world; and has, in fact, always ſupplied " the diſaffected with a topic of ſeditious " declamation. If occaſions have ariſen in " which this plea has been reſorted to with " juſtice and ſucceſs, they have been occa- " ſions in which a revolution was defenſible " upon other and plainer principles: the plea " itſelf is at all times captious and unſafe."

That every wilful violation of the compact on the part of government would authoriſe the people to withdraw their obedience, ſuppoſing them not to have the right independently of ſuch violation, I admit, ſpeaking generally, to be true. In the firſt place, however,

ever, it may be obſerved, that as in the caſe of a private contract between two individuals, notwithſtanding the general rule that "the "violation or non-performance of the con- "ditions by one of the parties vacates the "obligation of the other," it may be further ſtipulated, or it may be tacitly but unequivocally underſtood between the parties, that not every breach of compact on the one ſide ſhall ſet the other at liberty, but only breaches of a certain kind or magnitude; ſo a ſimilar underſtanding may clearly exiſt in a compact between a nation and its rulers. And in the next place, even though it ſhould be manifeſt in any particular inſtance, that no tacit condition of this kind was underſtood or implied, but that any the ſmalleſt violation of the agreement on the part of the governors would indiſputably authoriſe the ſubjects, according both to the letter and the ſpirit of the bargain, to reſume the delegated power; yet that every ſuch violation diſſolves the government (as Mr. Paley aſſerts) is an inference which by no means neceſſarily follows, and an inference which is contradicted by the analogy of other contracts. If a private perſon appoints an agent, under certain ſtipulations, to manage his

his affairs for an unlimited time; and the latter, in a particular inſtance, ſhould knowingly tranſgreſs the bounds of his power; it does not follow that his agency ceaſes from that moment. His employer has a right to diſplace him; but, if he paſſes over what has happened in ſilent acquieſcence, the other continues in full poſſeſſion of his office, and his future acts as agent are valid. This reaſoning exactly applies to the ſituation of a governor and his ſubjects. He is their agent, with a prerogative by no means ſo indefinite as Mr. Paley ſeems to repreſent it, but determined by the known laws and uſages of the land; and although he may have exerciſed unconſtitutional authority, yet he does not thereby ceaſe at once to be governor. The people, it is true, may diſcharge him from his office; but if they are induced by prudential conſiderations, or by reflections on human weakneſs, to refrain from depoſing him, he continues to have the ſame title to obedience from every member of the ſtate as he had previouſly to the commiſſion of the crime for which he might have been ſtripped of his power.

Mr. Paley proceeds to point out ſeven inferences, which he affirms to be important, and to "reſult[e] from the ſubſtitution of public "expediency in the place of all implied com- "pacts, promiſes, or conventions whatſo- "ever." Without entering into a profeſſed inquiry how far the whole of theſe conſequences in their full extent are beneficial, I ſhall examine how far they are peculiar to Mr. Paley's ſyſtem.

1ſt: "It may be as much a duty at one "time to reſiſt government, as it is at an- "other to obey it; to wit, whenever more "advantage will, in our opinion, accrue to "the community from reſiſtance than miſ- "chief."

The principle, on which I have endeavoured to eſtabliſh the duty of ſubmiſſion, by no means excludes the duty of reſiſtance. On that principle, ſubjects have a *right* to reſiſt; not indeed, as Mr. Paley maintains, merely according to their ideas of expediency; but whenever the legiſlature exceeds the bounds of

[e] Page 143.

the

the authority with which it is intruſted, or perſiſts in retaining that authority without poſſeſſing, either by ſtipulation or acquieſcence, the conſent of the community. And it is the *duty* of ſubjects to exert that right, whenever they are perſuaded that the purpoſes of their being, one of the moſt important of which is to promote the welfare of all orders of the ſtate, will not be anſwered by forbearance as effectually as by reſiſtance.

2dly: "The lawfulneſs of reſiſtance, or "the lawfulneſs of a revolt, does not depend "alone upon the grievance which is ſuſtained "or feared; but alſo upon the probable ex- "penſe and event of the conteſt."

This is the ſecond of Mr. Paley's inferences, and together with it I ſhall conſider the fourth; as the ſubſtance of both is the ſame, though clothed in different expreſſions.

"Not every invaſion of the ſubject's rights, "or liberty, or of the conſtitution; not every "breach of promiſe or of oath; not every "ſtretch of prerogative, abuſe of power, or "neglect of duty by the chief magiſtrate,

" or by the whole or any branch of the legiſ-
" lative body, juſtifies reſiſtance; unleſs theſe
" crimes draw after them public conſequences
" of ſufficient magnitude to outweigh the evils
" of civil diſturbance."

I muſt requeſt the reader to recollect the diſtinction, which I have had frequent occaſion to notice, between acts of duty to God and of juſtice to men. The preceding quotations from Mr. Paley, conſidered as referring only to actions of the former claſs, are perfectly compatible with the principle which I have aſſerted to be the only juſt foundation of government; and are immediately deducible from the poſitions [t] eſtabliſhed in a former chapter of this treatiſe. The citizen who reſiſts an uſurper, or a tyrant, is guilty of a breach of duty towards God, if he reſiſts when forbearance would equally have enabled him to accompliſh the ends for which he was created; and I have already obſerved, that to promote the happineſs of others, and of thoſe in particular with whom he is connected by natural or by ſocial ties, is one of the moſt

[t] Part II. Chap. IV.

important

important of thoſe ends. They who concerted the Revolution would not have been guilty of the leaſt injuſtice towards James, even though they had oppoſed him without having any proſpect of ſucceſs; but they would have flagrantly violated their duty to God, had they engaged in a hopeleſs or unpromiſing enterpriſe, which would neceſſarily have produced the calamities of a civil war, and probably might have riveted more ſtrongly the fetters of their fellow-ſubjects.

3d: "Irregularity in the firſt foundation "of a ſtate, or ſubſequent violence, fraud, "or injuſtice in getting poſſeſſion of the "ſupreme power, are not ſufficient reaſons "for reſiſtance, after the government is once "peaceably ſettled."

A peaceable ſettlement of the government proves that the ſubjects conſent to the ſovereignty of the prince on the throne, by whatever means he may have obtained poſſeſſion of it. And they have in all caſes a right to give this conſent, except it has been alienated or forfeited by their own act. The

rule then is equally applicable, whether the right to govern be founded on conſent or on expediency.

4th: The fourth of Mr. Paley's inferences has already been conſidered.

5th: "No uſage, law, or authority what-"ever is ſo binding, that it need or ought to "be continued, when it may be changed with "advantage to the community."

It has been ſufficiently ſhewn in the preceding pages, that every law, whether it relate to the family of the prince, the order of ſucceſſion, the form and authority of the legiſlature, or the duties of the ſubject, is mutable at the will of the community; except as far as the members of the ſtate have abridged, by particular ſtipulations, their natural right of altering the laws.

The rule thus limited is an immediate conſequence of the poſition, which eſtabliſhes the rights of governors on the conſent of their ſubjects.

6th:

6th: Mr. Paley proceeds to deduce from the principle of expediency the reaſons why a Frenchman is bound in conſcience to bear many things from his king, to which an Engliſhman is not obliged to ſubmit. If the principles which I have endeavoured to eſtabliſh are true, the anſwer to an enquiry into the different obligations of the members of different communities will flow from an equally obvious and leſs objectionable ſource. The inhabitants of the whole world are ſeverally endowed with the ſame natural rights; and the difference in the degrees of authority to which the monarchs of neighbouring countries are entitled, is created by a difference in the laws to which their reſpective ſubjects give their conſent.

7th: "The intereſt of the whole ſociety is "binding upon every part of it."

This rule, if confined to the internal regulations of the ſociety, is perfectly conſiſtent with the poſitions which I have maintained. I have repeatedly ſtated, that few of the duties which an individual owes to God are of higher concern, than ſtrenuous exertions for the wel-

fare of thoſe with whom he is united by the ties of ſocial connection; and a ſimilar conduct is in many caſes required by ſtrict juſtice. Yet however laudably his zeal may be exerted in enduring hardſhips, in ſubmitting to loſſes, or in expoſing himſelf to dangers for the ſake of his fellow-ſubjects; it muſt be ſcrupulouſly reſtrained to thoſe caſes, in which it will not be attended with a violation of the rights of other men.

As Mr. Paley profeſſes to reſt his moſt powerful objections to the doctrine, which aſcribes the rights of governors to the conſent of the ſubject, on the pernicious conſequences with which he apprehends that doctrine neceſſarily to be burthened; and recommends the principle on which he founds civil authority as peculiarly favourable to human happineſs; I ſhall ſtate the characteriſtic features of the two ſyſtems. The reader will judge whether the reſpective repreſentations be fairly drawn; and will decide, whether the principle of expediency or of conſent is the moſt favourable to the reaſonable authority of government, and to the peace and welfare of the people.

I muſt

I muſt however previouſly and expreſsly remark, as I have already done on a ſimilar [g] occaſion, that the validity of my preceding arguments can in no degree whatever depend on the concluſions which the reader may form reſpecting the points now about to be laid before him. If the grounds which Mr. Paley recommends as the baſis of civil authority ſhould, contrary to my expectations, be deemed more favourable to human happineſs than the poſitions concerning government which I have endeavoured to eſtabliſh, no inference can be derived from that circumſtance in ſupport of the former; ſince in the firſt part of this treatiſe I have proved, that ſeeming expediency is not a criterion by which the truth of moral principles is to be tried. But if a practical application of Mr. Paley's rule of utility as the ſtandard by which the rights and obligations of governors and ſubjects are to be decided would apparently diminiſh the amount of general happineſs, that rule muſt be pronounced inadmiſſible and falſe, as leading to concluſions ſubverſive of itſelf.

[g] See the two firſt pages of Chap. IV. Part I.

According

According to the poſitions which I have maintained, ſubjects have a right, not only to reſiſt the legiſlature whenever it proceeds to an act of power unauthoriſed by the laws, but, further, to reſume at any period the authority which they have delegated (unleſs they have entered into an unequivocal ſtipulation to the contrary), and to inſtitute a new form of government, according to whatever plan they ſhall be inclined to adopt. Theſe rights form a barrier againſt deſpotiſm, and afford ample ſcope for improvements in civil polity.

At the ſame time very powerful conſiderations, founded on moral duty, ſuggeſt themſelves, which are naturally calculated to ſecure the ſovereign power from the dangers of inſtability; and the community from the calamities, inteſtine diſcords, and civil wars, reſulting from unneceſſary attempts to effect a change in the conſtitution. Every ſubject is bound, as long as he continues a member of the ſtate, to obey all ſuch laws as the ſtate has a right to enact, and determines to continue. And in eſtimating the propriety of reſiſting the encroachments of the magiſtrate, or of abetting any alteration in the form of government, he is highly criminal

nal in the ſight of God, if a regard to the welfare of his fellow-ſubjects be not one of the motives which have a principal influence on his mind.

But, though the proſperity of his country muſt be one of the leading objects of his care as a member of civil ſociety; he is bound, as a being accountable to his Maker, to abſtain from all attempts to promote it at the expenſe of juſtice. He is to remember that the rights of others are as ſacred as his own. This conſideration will preſerve him from being miſled by erroneous conceptions of patriotiſm to ſupport his governors in oppreſſive conduct towards foreign nations; it will preſerve him from being deluded by miſtaken ideas of allegiance to concur in acts of tyranny towards his fellow-citizens.

On Mr. Paley's principles, the ſubject muſt conſider himſelf as having a right, and alſo as bound in point of duty, to reſiſt the exiſting governors, whether uſurpers or not, and to join in effecting a change in the conſtitution, then, and then only, when ſuch ſteps will, in his opinion, conduce to the public welfare.

According

According to this poſition, however tyrannical, unjuſt, or impious the commands of government may be, if he [h] ſhould be ordered to deſtroy an innocent fellow-citizen; to ravage the territories of an ally; to embrace a religion which he knows to be idolatrous; in all theſe caſes, if he conceives that compliance will promote general expediency, compliance is his duty. Nay, he would have no leſs merit in betraying his country, in ſetting fire to her dock-yards, or in blowing up her legiſlature, to promote the deſigns of a foreign invader, if he ſhould imagine that ſuch a deed would, on the whole, be productive of advantage to mankind, than if, with contrary ſentiments, he had hazarded his life in the breach for her defence. In like manner

[h] The reader will recollect what I have quoted from Mr. Paley, in a former part of this treatiſe, that in his opinion caſes may ariſe in which general expediency will *actually* require *every* moral rule to be violated. Nor will he be unmindful that Mr. Paley's rule, which refers the inquirer merely to vague conjectures reſpecting future contingencies, muſt, from its nature, be moſt liable to be conceived, or repreſented, as juſtifying actions ſubverſive of ſocial happineſs. (See Part I. Chapter IV.) The principles which have been maintained in the preſent treatiſe appear incomparably leſs expoſed to miſapplication or abuſe.

he

he is to deem himſelf bound to violate every law, even any law which he has perſonally engaged by promiſe or by oath on no plea whatever to diſobey; he is empowered, like Cade, to head a barbarous rebellion; like Felton, to murder the favourite of the monarch; like Damiens, to aſſaſſinate the monarch himſelf; whenever his paſſion or his fanaticiſm induces him to believe that theſe outrages will in the end be ſanctioned by utility.

Nor is leſs latitude allowed by Mr. Paley to the diſcretion of the governor than to that of the ſubject. "The reaſoning [i] which deduces the authority of civil government "from the will of God, and which collects "that will from public expediency alone, "binds us to the unreſerved concluſion, that "the juriſdiction of the magiſtrate is limited "by no conſideration but that of general "utility: in plainer terms, that, whatever "is the ſubject to be regulated, it is lawful "for him to interfere, *whenever* his interference, in its general tendency, *appears*" (to the magiſtrate himſelf, as Mr. Paley af-

[i] Paley, Vol. II. P. 324.

terwards

terwards ſays [k] expreſsly) " to be conducive " to the common intereſt." He is therefore authoriſed to violate at his diſcretion all the rights of his ſubjects, by whatever ſolemn engagements he may have bound himſelf to preſerve them; he is obliged in conſcience to trample on every law, human and divine, whenever ſuch conduct is decidedly prompted by his notions of general expediency. If then he ſhould be of opinion, that by aſſuming power in oppoſition to the will of the nation, and maintaining it by an army of mercenaries, he ſhould promote the good of the people without impairing the happineſs of mankind in general, he would feel himſelf completely juſtified in his uſurpation. If he ſhould alſo think that to laviſh the blood of his ſubjects in a cruſade, and to ſeize half their property to defray the charge of the enterpriſe, would be an additional advantage to them; he would do no more than his duty in turning a deaf ear to their remonſtrances, and in enforcing ſubmiſſion by the bayonet. Nay, though he ſhould not be able to ſatisfy himſelf that theſe proceedings would be for the intereſt of his

[k] Vol. II. P. 327.

people;

people; yet if he ſhould fancy that GENERAL good would in ſome way be promoted by them; or if he ſhould endeavour to promote it by putting his ſubjects into the hand of a neighbouring potentate as vaſſals; by ſelling them for ſlaves to a company of foreign merchants; or by introducing among them Popery or Paganiſm, and enforcing its reception by inquiſitorial perſecution; in each of theſe inſtances, according to Mr. Paley's principle, he would regard himſelf as effectually meriting the gratitude of mankind, and the approbation of his God.

CHAP. V.

GENERAL APPLICATION OF THE WHOLE.

In the diſtribution of thoſe original rights, by the uſe and diſpoſal of which the general purpoſes of human life are to be accompliſhed, the Creator of mankind appears from the preceding inveſtigations to have beheld all his children with an impartial eye. On every individual exempted by maturity of age from the dominion of his parents, and endowed with that degree of reaſon which diſtinguiſhes the moral agent from the ideot and the lunatic; he has equally conferred [a] certain ſpecific rights,

[a] The original equality of all men in certain natural rights is a truth which has of late become undeſervedly obnoxious to many perſons (and we cannot be ſurpriſed at the circumſtance), on account of the concluſions which have been repreſented as flowing from it. Many of thoſe inferences are totally unfounded, and altogether ſubverſive of the peace and happineſs of ſociety. But their falſehood does not prove the principle to be falſe from which they are erroneouſly affirmed to be deducible. As well might it

rights, anterior to human ſanctions, and until they may fairly be deemed to have been reſigned

it be inferred that our religion cannot be true, becauſe it has been ſuppoſed to authoriſe perſecution. The principle itſelf is not only found to pervade every boſom among rude and uncultivated tribes; but it approves itſelf to the reſearches of ſober and enlightened reaſon, and is corroborated by the inſpired dictates of revelation.

Sir William Blackſtone, in his Commentaries on the Laws of England, maintains in decided terms the equality of all men in natural rights, whether born in civil ſociety or not. "By the abſolute rights of individuals we mean "thoſe which are ſo in their primary and ſtricteſt ſenſe; "ſuch as would belong to their perſons merely in a ſtate "of nature, *and which every man is entitled to enjoy, whether out of ſociety or in it.*"—"The principal aim of "ſociety is to protect individuals in the enjoyment of "thoſe abſolute rights which were veſted in them by the "immutable laws of nature."—"Hence it follows that "the firſt and primary end of human laws is to maintain "and regulate theſe *abſolute* rights of individuals. Such "rights as are *ſocial* and *relative* reſult from and are poſ"terior to the formation of ſtates and ſocieties; ſo that "to maintain and regulate theſe is clearly a ſubſequent "conſideration. And therefore the principal view of hu"man laws is, or ought always to be, to explain, protect, "and enforce ſuch rights as are abſolute."—"The abſolute "rights of man, conſidered as a free agent, endowed with "diſcernment to know good from evil, and with power "of chooſing thoſe meaſures which appear to him to be "moſt deſirable, are uſually ſummed up in one general

ſigned or forfeited by their poſſeſſor, not to be infringed without injuſtice by human authority. To the unreſtrained employment of his

" appellation, and denominated the natural liberty of " mankind. This natural liberty conſiſts properly in " acting as one thinks fit, without any reſtraint or con- " trol, unleſs by the law of nature; *being a right inherent* " *in us by birth*, and one of the gifts of God to man at his " creation, when he endued him with the faculty of " free will." Commentaries, 10th edition, Vol. I. P. 123—125.

The unimpaired exiſtence of theſe original rights, until they are forfeited or reſigned by ſome act of the individual, is indeed ſo obvious a truth, that even in dark and ſuperſtitious ages it has been publicly recogniſed by men, who from their ſituation would be little inclined to acknowledge it. In the ſixth century Pope Gregory the Great expreſſed himſelf thus: " Salubriter agitur ſi homines, *quos ab initio liberos natura protulit*, et jus gentium jugo ſubſtituit ſervitutis, ei *in quâ nati fuerant* libertati manumittentis beneficio reddantur." Robertſon's Hiſtory of Charles V. 8vo. 1782, Vol. I. P. 312. And in the fourteenth century Louis X. and his brother Philip iſſued ordinances opening with a declaration that *all men are by nature free-born*; and on that ground providing for the enfranchiſement of ſlaves. Ibid. P. 48. The celebrated hiſtorian, from whom theſe extracts are taken, builds much of his reaſoning reſpecting ſervitude on " the doc- " trines which Chriſtianity teaches concerning the origi- " nal equality of mankind." Ibid. P. 322.

bodily

bodily and mental powers in the acquiſition of food, of materials for ſhelter and for clothing, and of any other unappropriated productions of the earth; in defending himſelf when unjuſtly attacked; in regaining what is unjuſtly withheld from him; in exacting equitable ſecurity againſt future injuries; in gratifying every inclination by the indulgence of which he neither invades nor endangers the rights of others: the native of the old world and of the new, the inhabitant of the tropical and of the polar regions, the fair-complexioned European and the ſable African, the ſon of the ſlave and of the monarch, have naturally an equal title; and a title independent of the private will and the public conventions of their anceſtors or cotemporaries. It is by the exerciſe of theſe rights, or of other rights which are accepted in exchange for ſuch of them as are reſigned, that every man is to fulfil the various duties which his God requires at his hand. By employing them in a manner prejudicial to himſelf; by neglecting or refuſing to exert or even to ſurrender them for the benefit of others, he may incur the higheſt degree of guilt in the eyes of his Creator and Judge, although he ſhould ſcrupulouſly

abſtain from violating the rights of his neighbour. Yet the uſe and diſpoſal of them being committed to his own diſcretion, (a diſcretion for the exerciſe of which he is finally reſponſible to God,) under the ſingle limitation of refraining from every degree of injuſtice; no earthly power is entitled to deprive him of them, while he adheres to that fundamental reſtriction, without the ſanction of his expreſs or implied conſent.

It is true that the capacity of exerting theſe original rights, and of deriving from them the advantages which they ſeem calculated to afford to their poſſeſſors is allotted to different men in different degrees. Numbers, in conſequence of the place or time of their birth, their bodily conſtitution, the condition of their parents, and a variety of other external circumſtances not reſulting from their own conduct, find even the neceſſaries of life difficult, and its ordinary comforts ſcarcely poſſible to be procured; are unacquainted, if not with the bare poſſeſſion, yet with the common fruits of liberty; and think of eaſe and competence either with faint and diſtant expectation, or with a fixed deſpair of attaining to bleſſings apparently forbidden

forbidden to them, and reſerved for the peculiar favourites of Providence, born in more auſpicious ſtations, or dwelling under a happier ſky: while others, by means of events equally accidental with thoſe which in ſome countries thus depreſs one part of mankind almoſt to a level in ſeveral reſpects with the beaſts of the field, find themſelves poſſeſſed, without an effort, of the means of ſupplying the various wants of nature; of acquiring every reaſonable indulgence, every ſuperfluous gratification; and of applying to their own benefit the labour and ſkill of multitudes of their fellow creatures, even though placed in a different quarter of the globe. Now, though the actual right to a thing, and the opportunity of turning that right to the beſt advantage, are two things radically and totally diſtinct, and are every day ſeen and acknowledged ſo to be in the ordinary tranſactions of civil ſociety; the want of diſcriminating between them in the caſe of natural rights has been a principal cauſe of the equality of men in the natural rights which have been inveſtigated in the foregoing chapters being occaſionally denied. Yet it is as unreaſonable to deny the original equality of all men in thoſe

natural rights on the ground that Providence has placed men in extremely different circumſtances of life, and that the welfare of mankind neceſſarily requires ſuch a diſpoſition of them, as it would be to maintain on the other hand the dangerous and utterly falſe propoſition, which we have heard affirmed, and ſeen in ſome meaſure acted upon; that becauſe men are originally equal in natural rights, therefore diſtinctions of ranks in ſociety, and the unequal diſtribution of property, are repugnant to natural juſtice.

As it has been already ſhewn that conſent, expreſſed or implied, is the ground on which civil government ought to be eſtabliſhed; ſo it has alſo appeared, even from the ſtatement given by Mr. Paley himſelf, that conſent was the ground on which civil government was in fact eſtabliſhed. This latter poſition may be fully proved by referring to the writings of Cæſar, Tacitus, and other ancient authors, who have deſcribed the early ſtate of ſociety among the Germans, the Goths, and the reſt of the old inhabitants of Europe; and to the ample information communicated to the public by hiſtorians and travellers, who have delineated the

the actual ſituation and manners of the rude tribes of the continent of North America and of New Holland, in ſome of which the firſt rudiments of civil government are juſt diſcernible, and in others the progreſs of ſubordination is but little more advanced. The objects of government would in the outſet be few and ſimple. Natural liberty would be reſtrained only ſo far as was neceſſary for the defence of the tribe againſt its enemies. Afterwards ſome regulations for its internal tranquillity would be adopted. In proceſs of time, experience would evince the propriety of reſtraining natural liberty ſtill further; in other words, of making a further exchange of natural rights for civil rights inſtituted in their [b] place; until, at length, in the revolution of ages, government and laws would naturally aſſume that complicated form, in which they now ſubſiſt in extenſive and long eſtabliſhed

[b] Thus Sir William Blackſtone defines the rights of Engliſhmen to be "either *that reſiduum of natural liberty*, "which is not required by the laws of ſociety to be ſacri-"ficed to public convenience; or elſe thoſe civil privi-"leges which ſociety hath engaged to provide in lieu of "the natural liberties ſo given up by individuals." Commentaries, Vol. I. P. 129.

empires. The ſeveral ſtages of this progreſs may be diſtinctly traced in the authors to which the reader has been referred. The conſent requiſite to juſtify each ſtep would ſometimes be expreſſed by open declaration; but more frequently would be tacitly [c] implied.

Whatever were the form of government eſtabliſhed, and whatever changes had been made in it, each perſon who ſhould chooſe to remain in the ſociety, and avail himſelf of the rights and privileges of a citizen, would thereby give a deciſive proof of his aſſent to the exiſting conſtitution, and acknowledge his obligation of rendering complete obedience to it as long as he ſhould continue under its protection: for he could not but know that its

[c] Dr. Robertſon, in his Hiſtory of Charles V. Vol. I. P. 257, after obſerving that every freeman among the barbarous conquerors of the Roman empire in Europe became bound under conſiderable penalties to take arms in defence of the community to which he belonged, has the following juſt remark: "I do not mean that any contract "of this kind was formally concluded, or mutually ratified by any legal ſolemnity. It was eſtabliſhed by *tacit* "*conſent*, like the other compacts which hold ſociety together."

protection

protection was offered only on the reciprocal condition of obedience to all the laws; and that a voluntary acceptance of the one was a confeſſion of his engaging to return the other.

In proceſs of time, as the children of the members of the ſociety ſhould ſucceſſively arrive at ſuch an age as no longer to be ſubjected by nature to the dominion of their parents, each would find himſelf at that period inveſted by his Creator with the natural rights conferred on all mankind; and would be entitled to the unreſtrained diſpoſal of them, until he ſhould forfeit them by invading the rights of others, or ſhould voluntarily conſent to abridge them. He would therefore be authoriſed at his diſcretion to unite himſelf with the ſociety formed around him, if it were willing to receive him within its pale; or to ſeek admiſſion into any other community. If without further enquiry he ſhould continue in the ſociety, taking upon himſelf the privileges of a citizen, and meeting with no obſtruction from the legiſlature; theſe facts would be a ſufficient teſtimony of his deſire to be enrolled among the members of the

ſtate

ſtate, and of the ſociety's conſent to receive him.

As no man, who had not forfeited his rights by perpetrated or intended crimes, could juſtly be compelled againſt his will to become a member of the ſociety; ſo no perſon of that deſcription could juſtly be obliged afterwards to continue a member, unleſs he had previouſly agreed to ſurrender, either altogether, or to a certain degree, his right of departing. It is poſſible to conceive one of the laws to enact that every man who enters into the community ſhall be bound to continue in it unto his death, or during the pleaſure of its governors. Or ſuppoſing the laws to be ſilent on the ſubject, it may yet be mutually underſtood among the members of the ſociety that he who ſhall deliberately remain within the protection of the ſtate for a certain time (and the appointed period may be very ſhort), ſhall be deemed to have tacitly agreed never to abandon his fellow-citizens. When a perſon has placed himſelf in either of thoſe ſituations, his obligation not to quit the ſociety without permiſſion is unqueſtionable, untill in the one caſe the law is repealed,

repeated, or in the other, the implied agreement is explicitly annulled.' But no vague ſurmiſe, no ſlender preſumption, will be ſufficient to juſtify the concluſion that a particular individual has actually involved himſelf in an engagement of that nature. It is an engagement which requires to be proved by clear and poſitive evidence. If on grounds which fall ſhort of ſatisfactory proof he is conſtrained to continue a member of the ſociety, he is impriſoned; and whether he be impriſoned within the limits of a dungeon or of an empire, it is an unjuſt infringement of his liberty.

It has been affirmed, that he who in a time of public emergency ſhould deſire to reſign his rights of citizenſhip, and to quit the community, might juſtly be detained, though free from all ſuſpicion of hoſtile intentions, on the *mere* ground of a return being due from him to the ſtate for its previous protection. Yet ſurely this is an inſufficient plea, whether it be meant that the return is due for the protection which the individual received during his childhood; or for that which he has enjoyed ſince he arrived at years of diſcretion, and has become

come an active member of the community. To the firſt argument it might not perhaps be unreaſonable to reply, that the protection afforded to the child was a debt due from the ſtate to the parent; and conſequently that no compenſation could afterwards be exacted or required. But without inſiſting on that ground, however tenable, it is ſufficient to remark, that although the community may have defended the helpleſs infant in expectation of reaping in due time the advantage of his ſervices; yet no contract whatever as to any future recompenſe from him was or could be made. The child was unable to enter into any engagement; and the parent could not engage for the conduct of the child longer than his own right of controlling it ſhould continue in force. For every act of kindneſs experienced from the ſtate, a debt of gratitude may have been incurred by the child; but debts of gratitude are from their very nature not to be recovered by [d] compulſion. In anſwer

[d] "By our *exactions* of gratitude, and our frequent propoſals to *enforce* its obſervance, we only ſhew that we have miſtaken its nature." Dr. Ferguſon on the Hiſtory of Civil Society, 5th Ed. P. 146. So alſo Mr. Paley

ſwer to the other argument it may be obſerved, that the debt which every citizen may be ſaid continually to incur by receiving protection from the ſtate, he at the ſame time diſcharges, by contributing in his own ſtation to the general ſecurity. He has at all times a juſt demand on the community for complete protection; and more he cannot have received. Or if we ſuppoſe ſome eſpecial favour to have been conferred on him by the ſtate, no return, except it were ſtipulated, is due from him as a debt of *juſtice*, and to be exacted by force. His conduct however in leaving the community in the hour of danger, though not an infringement of the rights of the other members, may be ſo ungrateful and hard-hearted, as not to be leſs criminal in the ſight of God, than a direct infringement of their rights would have been.

The firſt effect, or rather the immediate object, of the formation of laws reſpecting the internal adminiſtration of a community,

ſtates, that "in the inſtances of gratitude, affection, re-
"verence, and the like, force is excluded by the very idea
"of the duty, which muſt be voluntary, or not at all." Vol. I. P. 91.

is to ſubſtitute the authority of public juſtice in the place of the exerciſe of private force. The latter is generally prohibited in all caſes of injury, except in thoſe for which, from the peculiarity of their nature or of the circumſtances attending them, the laws cannot provide adequate means of prevention or [e] redreſs. In ſuch it is uſually and properly allowed. Theſe excepted caſes apart, the law claims excluſively to itſelf the conduct of every proceeding for the defence of rights which are attacked, for the acquiſition or recovery of ſuch as are withheld, for obtaining reparation for injuries received, or ſecurity from thoſe which are apprehended. And in all theſe inſtances it extends its view beyond the concerns and the particular intereſts of the individual

[e] This diſtinction is wiſely taken by the Laws of England. "The fifth and laſt auxiliary right of the ſubject "that I ſhall at preſent mention, is that of having arms "for their defence ſuitable to their condition and de-"gree, and ſuch as are allowed by law. Which is alſo "declared by the ſame ſtatute 1ſt W. & M. ſt. 2. c. 2. "and it is indeed a public allowance under due reſtric-"tions of the natural right of reſiſtance and ſelf-preſer-"vation, when the ſanctions of ſociety and laws are "found inſufficient to reſtrain the violence of oppreſſion." Blackſtone's Comm. Vol. I. P. 143.

whom

whom it aſſiſts or whom it chaſtiſes, to the general benefit of the community; and ſcruples not peremptorily to require private ſacrifices, when they are requiſite for the main object which it purſues, the ſafety and advantage of the whole body politic. To ſuch ſacrifices no individual can juſtly object; for he has ſanctioned by his previous conſent the authority by which they are enjoined; and has given it a diſcretionary power (a power more or leſs limited in different ſtates according to their ſeveral conſtitutions) of adapting its legal proviſions to the general welfare of his fellow-citizens, rather than to his own individual benefit.

Thus with reſpect to the defence of rights attacked, the law points out the manner in which application is to be made for its aſſiſtance; the particular tribunal before which the ſuppoſed offender is to be brought; the ſort of proof neceſſary for his conviction; and the various ſteps which he ſhall be at liberty to take for his vindication.

With regard to the reſtitution of rights withheld, the law ſettles the forms and circumſtances

cumſtances which ſhall attend it. And if the rights ſhould be in themſelves incapable of being reſtored, the law determines the nature and the amount of the indemnification; whether it ſhall be rendered in property or in ſervice; whether a longer or a ſhorter time ſhall be granted for its completion; whether any ſpecies of property ſhall be in any degree exempted from the claim; and whether the claim, if not fully ſatisfied by the offender, ſhall in any caſe attach on ſome part of his family.

So likewiſe with reſpect to puniſhment, the law pronounces the kind and degree which ſhall be the conſequence of each crime when legally proved; varying the one and proportioning the other according to the age, ſex, rank, and fortune of the criminal; ſtudying the reformation of the offender, and particularly, the general prevention of crimes; and for the latter purpoſe frequently inflicting a chaſtiſement more painful or more diſgraceful than could have been juſtly inflicted on the offender in a ſtate of nature, but a chaſtiſement now rendered perfectly juſt by means of the previous conſent already explained.

The

The law proceeds in a ſimilar manner as to property; and the juſtice of its inſtitutions is manifeſt on the principles which have been ſtated above. It requires every man under its protection to relinquiſh his general right of occupancy, and to be contented to hold and acquire property according to ſuch modes and conditions as are legally appointed. It creates ſuch general or local rights, privileges, and immunities, and impoſes ſuch general or local reſtrictions and limitations, as it deems likely to promote the ſecurity, peace, induſtry, and virtue of the community. It inſtitutes the right of teſtamentary bequeſt; that is to ſay, it requires every individual to abſtain from exerciſing his natural right of ſeizing the poſſeſſions of the deceaſed (which on his death naturally become open to the firſt occupant[f]), and to permit them to be taken by the perſon indicated by the declared wiſhes of the teſtator, or in default of ſuch a declaration, by the law itſelf. On the other hand, it limits, as it thinks fit, the teſtamentary right which it has created; preſcribing the forms requiſite to render a bequeſt valid; reſtraining the teſtator,

[f] See ſupra, P. 183 to 188.

in certain caſes, from leaving all his property to ſtrangers; and perhaps requiring thoſe who inherit to undertake, in return for the property which it has ſecured to them, to diſcharge certain pecuniary obligations of the late poſſeſſor. It is thus that a mortgage, or other ſimilar contract, becomes efficient, notwithſtanding that the rights of the late owner over the land were all extinguiſhed by his death.

Laſtly; obſervations, reſembling thoſe by which the operation of the law, and the juſtice of its proceedings with reſpect to the ſeveral ſubjects already conſidered have been explained, may be applied to the caſe of promiſes, and all other engagements. The law determines the objects, the forms, and the ſpecific obligation of every engagement, and the penalty which ſhall attend the breach of it. The law may without injuſtice render a man liable to the performance of promiſes made by another, as a ſon to a promiſe entered into by his father; or may bind a perſon to fulfil a promiſe made in ſuch circumſtances (as, for example, in a ſtate of intoxication), that naturally

turally he would not have been bound [g] to perform it. Or, on the contrary, it may refuſe to lend its aid to enforce engagements which are naturally binding. Thus it may ſhut its courts of juſtice againſt all ſuits deſigned to obtain the performance of an uſurious bargain, or an extorted promiſe [h]; and may even inflict a penalty on the party who has led or compelled the other into ſuch an engagement.

The preceding remarks may perhaps have diſpoſed the reader to reflect on the greatneſs of the bleſſings, which may reſult from wiſe laws equitably adminiſtered. He will in vain ſeek throughout the world a more ſtriking example of thoſe bleſſings, than that which is offered to him in Great Britain.

g See ſupra, P. 201, 202.
h See ſupra, P. 213, 218.

REMARKS

ON THE

LATE DECISION

OF THE

HOUSE OF COMMONS

RESPECTING

THE ABOLITION

OF THE

SLAVE TRADE.

THE THIRD EDITION.

TO

WILLIAM WILBERFORCE, ESQ.

MY DEAR FRIEND,

YOU will probably be ſurpriſed that I ſhould publiſh any thing, however inconſiderable, on the ſubject of the Slave Trade, without having previouſly made you acquainted with my intention; and you will think it particularly unaccountable that you were not informed of my preſent plan, as many days have not elapſed ſince we parted. I own that the thought of offering a few remarks to the public occurred to me while I was under your roof; but I was ſolicitous to be able to ſay, that theſe pages have been written altogether without your knowledge, and that without your knowledge they are now inſcribed to you. Had you been apprized of their exiſtence antecedently to a printed copy being put into your hands, it is poſſible that ſome one might have imagined that their

appearance was directly or indirectly owing to yourself; and I might not have been credited, even though I had affirmed, with as much sincerity as I now do, that you are not in the slightest degree responsible for a single sentiment or for a single expression which they contain. Whatever may prove to be your opinion of the following observations, you will believe that my only reason for committing them to the press is a desire to contribute, as far as a private individual like myself can contribute, to promote the great object which you have in view;

And that I am always,

very affectionately, yours,

Yoxall Lodge,
April 9th, 1792.

THOMAS GISBORNE.

ADVERTISEMENT.

A CHAPTER on Slavery and the Slave Trade having been recently ſelected from the Second Edition of my Treatiſe on the Principles of Moral Philoſophy, and reprinted by itſelf, and digeſted into ſeparate heads: I fear that I may be deemed obtruſive and aſſuming in ſo ſpeedily requeſting the further attention of the reader. I therefore think it incumbent upon me to declare, that the firſt intelligence I had of that republication was contained in a very flattering letter which I received within theſe few days from a gentleman of high literary eminence in the Univerſity of Oxford, with whom I am not fortunate enough to be perſonally acquainted; but who, having done me the honour to think, in conjunction with ſome of his friends, that the diſperſion of my former arguments might not be altogether uſeleſs, had ſpontaneouſly taken upon himſelf the trouble of thus giving them an extended circulation.

REMARKS,

REMARKS, &c.

WHEN a ſubject of great importance is under general diſcuſſion, it ſeems the duty of every man not to ſhrink from offering his obſervations upon it to the world, if he conceives that he may chance, in ſome degree, to counteract a prevailing error by which the judgement of the public is in danger of being miſled. On this ground I venture to ſend abroad the following reflections, ſuggeſted by the late deciſion of the Houſe of Commons reſpecting the Abolition of the Slave Trade. Having been deſirous that, if they were to appear at all, they ſhould appear without loſs of time, I have drawn them up in haſte; and ſhall be content if they are founded in truth, and ſtated with tolerable perſpicuity.

The reſolution, in which Mr. Wilberforce preſſed the Houſe to concur with him, was in

in ſubſtance, "that the Slave Trade ought "to be aboliſhed." He avowed, in the moſt energetic terms, his own conviction that, on every principle, not only of humanity, of juſtice, and of religion, but of ſound policy likewiſe, the Slave Trade ought to be aboliſhed *inſtantly*. But he explained that any gentlemen, who, though friendly to the abolition, were not diſpoſed to think that it ought immediately to take place, would not be precluded, by voting for the general reſolution propoſed, from moving, when a bill conformable to that reſolution ſhould be introduced, that the Slave Trade ſhould be tolerated for a limited term.

A motion was afterwards made by Mr. Dundas, that the reſolution ſhould be amended by inſerting the word "gradually" before the word "aboliſhed." And, after a feeble attempt, on the part of thoſe who were hoſtile to the original reſolution and alſo to the amendment, to reject both by moving to adjourn (a propoſition which was negatived by a majority of two hundred and thirty-four to eighty-ſeven), the inſertion of the word "gradually" was carried, in ſpite of the moſt

powerful oppoſition of Mr. Pitt and Mr. Fox, who contended for the immediate abolition with the moſt convincing arguments, and with that earneſt and impreſſive eloquence which ſhews itſelf to come from the heart, by a majority of one hundred and ninety-three to one hundred and twenty-five.

This conteſt having been determined, it remained to decide between thoſe who were friends to abolition, immediate or gradual, and thoſe who were enemies to both, by taking the ſenſe of the Houſe on the amended reſolution; and a majority of two hundred and thirty to eighty-five reſolved that "the Slave Trade ought to be gradually aboliſhed."

It appears then, that of the three parties into which the Houſe of Commons was divided on the ſubject of aboliſhing the Slave Trade, that which ſupported immediate abolition was the moſt numerous; that which patroniſed gradual abolition the next in point of ſtrength; and conſequently that which reſiſted abolition in every ſhape the weakeſt. A compariſon of the reſpective numbers in the

the ſeveral diviſions already ſtated leads to the concluſion, that the firſt party exceeded one hundred and twenty; the ſecond conſiſted of ſomewhat more than one hundred; and the third of about eighty-ſeven. It is to be obſerved, that in the ſecond of thoſe diviſions, the ſucceſsful ſide, amounting to one hundred and ninety-three, contained the united forces of the gradual abolitioniſts and the anti-abolitioniſts. For the latter, though adverſe to abolition in any form, yet being reduced on that occaſion to the alternative of dividing either with the immediate or with the gradual abolitioniſts, naturally gave the preference to the latter.

Having thus given a ſummary account of the various motions ſubmitted to the Houſe, and of the ſeveral parties engaged in the ſtruggle; I ſhall, in the next place, briefly enumerate the principal facts reſpecting the nature and conſequences of the Slave Trade, which were openly maintained by the friends of the abolition, and admitted by nearly three fourths of the members preſent: and I ſhall afterwards proceed to the chief object of theſe pages, an examination of the leading arguments

ments on which thoſe who preferred gradual to immediate abolition reſted the propriety of their opinion. Collateral remarks will probably ſuggeſt themſelves during the inveſtigation of the ſubject.

I. The grounds, on which Mr. Wilberforce and his ſupporters in Parliament have uniformly pronounced the Abolition of the Slave Trade to be an act of indiſpenſable duty, were allowed to be completely eſtabliſhed. It was admitted that this deteſtable traffic is indebted for its exiſtence to wars, in many inſtances, excited by Europeans, in many commenced by the natives, for the purpoſe of procuring ſlaves: to the depredations perpetrated by the kings of the country on their own ſubjects, ſometimes by ſeizing unſuſpecting individuals, ſometimes by breaking up and firing villages in the night, and catching the inhabitants as they fly naked from the flames; to the kidnapping of negroes of every tribe, and of all ranks and occupations, moſt commonly by the black traders, occaſionally by Britiſh captains and ſeamen: to the perverſion of penal juſtice by the infliction of ſlavery as the puniſhment of almoſt every real crime,

crime, however trifling; more frequently as the puniſhment of pretended crimes imputed for the very purpoſe of enſlaving the party accuſed, perhaps even his whole family with him. The miſerable condition into which Africa is ſunk by the prevalence of ſuch a ſyſtem of atrocious enormities was equally uncontradicted. The almoſt total annihilation of private ſecurity, of mutual confidence, of domeſtic comfort; the temptations held out to the darkeſt paſſions of the human heart, to malevolence and guile, to cruelty, rancour, and revenge; theſe, and all the other dreadful effects which the Slave Trade has been charged with producing in that devoted land, were allowed not merely to have been delineated with the ſober colouring of truth, but to have been aſcribed to their proper ſource. Even the gentleman who moved the adjournment in order to put an end to all motions for abolition, owned that in his ſentiments as to the ſtate of Africa, he differed little from Mr. Wilberforce. Nor was any one found hardy enough to contend, that it will be poſſible, while this commerce ſhall continue, to apply or to deviſe a remedy for theſe evils; to raiſe the

Africans

Africans in the ſcale of civilization; or by erecting on their ſhores the ſtandard of the Goſpel, to make ſome compenſation for the innumerable crimes which, at our inſtigation, they have committed.

It was likewiſe recogniſed by the ſame majority of the Houſe, that the Slave Trade, baneful as its conſequences are to the continent on which it is carried on, is attended with effects ſo pernicious to this country, as even, in ſome reſpects, to bear a compariſon with the former. The annual death of more than one fifth of the ſeamen employed in the ſlave ſhips, and the ſubſequent diminution, through diſeaſes contracted, and injurious treatment ſuſtained in the Slave Trade, of the remainder of the crews during their voyage to the Weſt Indies, and after their arrival there; a diminution ſo great, that, on an average, not more than one half of the original number of ſailors is found to return home: theſe were facts confeſſed to have been proved by evidence in itſelf incontrovertible, and furniſhed by the very enemies of the abolition; and confeſſed to be in the higheſt degree alarming to a people truſting

in its marine, not for commercial pre-eminence alone, not merely for diſtinguiſhed rank in the catalogue of nations, but for liberty and independence. Nor did it eſcape the vigilant eye of the Legiſlature, attentive to the real intereſts of that mercantile policy, ſo worthy of being purſued by a maritime power in every channel through which Humanity and Juſtice lead the way; that by the Slave Trade Great Britain is effectually precluded from eſtabliſhing an extenſive intercourſe with the various kingdoms of Africa for the purpoſe of obtaining the many valuable productions with which thoſe regions abound; an intercourſe capable of being carried on without expoſing our ſeamen to uncommon hardſhips and mortality or counteracting the natural tendency of commerce to augment our marine; an intercourſe offering to our manufacturers and artiſans numberleſs raw materials of the higheſt value, and opening a new and continually increaſing market for the exports of this country; and, above all, an intercourſe in which induſtry may count her gains without bluſhing at the manner in which ſhe has accumulated them,

and ſhuddering to behold them contaminated with blood.

Further: the Houſe of Commons was conſtrained to yield its reluctant aſſent to a truth far more grating to the feelings of a Britiſh Parliament, far more humiliating to the character of the Britiſh Nation, than the obſtruction of commercial enterpriſe, and all the conſequent impediments to the ſale of our manufactures, to the enlargement of our revenue, and to the increaſe of our naval ſtrength. It was conſtrained to admit, with ſhame and indignation, that the cuſtomary effect of the Slave Trade is to produce in the hearts of Britiſh captains the extinction not of Britiſh generoſity, not of common benevolence, but the extinction of almoſt every feeling which diſtinguiſhes the man from the wild beaſt. By examples, too many to be enumerated, and too ſhocking to be repeated, the Houſe was conſtrained to admit that no ſavage of America ever diſplayed more implacable malevolence, more refined and ingenious cruelty, in tormenting his priſoner, than Britiſh captains have exhibited in the uſage of the wretched ſlaves whom they

have purchaſed; and that no tyrant of Perſia or of Morocco ever treated his ſubjects with more unrelenting barbarity, more bitter unkindneſs, than Britiſh ſlave captains have exerciſed towards their ſeamen. I do not mean that every commander of a ſlave ſhip was proved to have ſhewn himſelf a monſter of inhumanity. Some individuals in that ſituation, notwithſtanding the depraving nature of their employment, and the contagion of ſurrounding examples, have manifeſted much attention to their ſailors, and much compaſſion to their ſlaves. But unfeeling ferocity is, generally ſpeaking, the characteriſtic of thoſe who are concerned in the Slave Trade. Excluſive of thoſe horrid inſtances of cruelty to which I have alluded, it is an eſtabliſhed fact, that the uſual conduct of the perſons who are actively engaged in this traffic is in a ſingular degree brutal and atrocious. Neither the inferior officers nor the common ſeamen can be exempted from this reproach. But the petrifying influence, which familiarity with ſcenes of blood and rapine exerts upon the heart, is particularly viſible in thoſe who have the principal ſhare in directing them; and who, poſſeſſing uncontrolled authority

rity in their reſpective ſhips, add fuel to every ſavage paſſion by unlimited indulgence.

The ſame majority of the Houſe was ſtrongly impreſſed with the conviction, that the exiſtence of the Slave Trade is the radical cauſe of inſurrections in our colonies. That the continued importation of Africans is the grand ſource from which revolts of the plantation negroes originate, has long been maintained with unanſwerable arguments by the advocates for abolition; and this concluſion was maintained before the Houſe of Commons in the late debate, not merely by the friends of immediate abolition, but by Mr. Dundas himſelf. No language could be more decided than that which was held by him on this ſubject. In addition to the irrefragable train of general reaſoning by which other members had already evinced the dangers to be dreaded, as long as the ſlaves in our iſlands are expoſed to be kindled into revolt by the arrival of their countrymen recently enſlaved, and burning with indignation and revenge; he referred, as other ſpeakers had done before him, to the memorable declarations of Mr. Long in his Hiſtory of Jamaica. On this topic the authority of that

hiſtorian is altogether unqueſtionable, not only becauſe he had the fulleſt opportunities of acquiring local information reſpecting the cauſes of inſurrections among the negroes; not only becauſe he profeſſedly applied himſelf to gain all poſſible intelligence on the ſubject; but becauſe his avowed enmity to the ſuppreſſion of the Slave Trade exempts him from the ſuſpicion of being led by prejudice, or by any other motive than the ſtrong impulſe of duty, and the irreſiſtible force of truth, to deliver a teſtimony, which, were every other argument ſet aſide, would itſelf be ſufficient to convince all impartial men, that this traffic ought inſtantly to be aboliſhed. Among many other obſervations, which clearly demonſtrate that it is in vain to expect that the iſlands can enjoy permanent ſecurity while the Slave Trade is allowed to ſubſiſt, Mr. Long expreſsly aſſerts, as the reſult of his own experience, as the general concluſion to which he was led by accurate and repeated inquiries inſtituted for the purpoſe of aſcertaining the origin of colonial inſurrections, that thoſe inſurrections take their riſe from the imported Africans, not from the Creole negroes. He further makes it evident in another

other paſſage, that the rigorous treatment and the legal ſeverities, which the planters deem neceſſary to be univerſally exerciſed towards their ſlaves, for the purpoſe of coercing thoſe who, having been lately brought from the coaſt of Guinea, ſhew themſelves full of turbulence in their diſpoſitions, and unwilling to labour for maſters whom they conſider as their oppreſſors; are ſuch as to preclude the great maſs of plantation negroes from obtaining that pittance of eaſe and comfort which, it is allowed, they might otherwiſe be ſafely permitted to poſſeſs. On theſe plain grounds, furniſhed by the writer whom the enemies of the abolition have been accuſtomed to bring forward as the higheſt authority in all points affecting the intereſts of the Weſt Indies, and whoſe reaſoning, even when fatal to their own ſide of the queſtion, they find it impoſſible to diſpute; it was incontrovertibly proved to the Houſe, that the only ſafeguard againſt the moſt horrible calamity, which the colonies have to dread, is to be ſought in the abolition of the Slave Trade: and that no iſland is ſecure from ruin, no colonial property ſafe for a moment, while the entire accompliſhment of that meaſure is delayed. For

what but the total abolition can put a ſtop to the introduction of thoſe Africans, who, ſmarting under recent injuries, are continually meditating ſchemes of revenge; or render it practicable for the planters ſo to meliorate the condition of their negroes, as to inſpire them with ſentiments of content and ſatiſfaction, and convince them that they have an intereſt in the tranquillity of the iſlands in which they dwell? I have ſuffered myſelf to dilate on this branch of my ſubject ſomewhat more than I intended; and I have dilated upon it without reluctance: for I feel no common pleaſure in the conſciouſneſs that all thoſe calumnies, which the enemies of the abolition had heaped upon its friends; all thoſe imputations which had been urged by the former againſt the latter, branding them as having cauſed already, or as being likely to cauſe hereafter confuſion, diſturbances, and revolts, in the Weſt Indies, were publicly and effectually done away; and not only that theſe calumnies and imputations were done away, but that they recoiled on thoſe with whom they had originated; and that the very meaſure which has been repreſented with ſuch diſhonourable induſtry as portending ſpeedy

and

and complete deſtruction to our colonies, is evinced to be that meaſure which alone can enſure them from being ſooner or later convulſed by inſurrections, laid waſte by conflagrations, and deluged with blood.

It appears then, from the preceding ſtatement, that the Slave Trade was generally admitted by that part of the Houſe of Commons which ſupported the abolition, to derive its ſupplies from treachery and rapine, and inconteſtable villainy; to have plunged and to detain the continent of Africa in miſery, barbariſm, and idolatry; to be the grave of our ſeamen; to obſtruct a very beneficial and honourable extenſion of our commerce; to harden the hearts and brutaliſe the diſpoſitions, in a degree ſcarcely to be deſcribed, of by far the greater proportion of Engliſhmen employed in it; and to be the radical cauſe of Weſt Indian inſurrections, and the grand obſtacle to the improvement of the condition of the negroes now in our iſlands. On all theſe grounds, not to notice other incidental arguments which pointed to the ſame concluſion, the Slave Trade was thus recogniſed by nearly three fourths of the Houſe to be inhuman, unjuſt, and impolitic.

Were

Were a ſtranger to hear a ſimple recital of theſe conceſſions, he would without heſitation pronounce that the Houſe, whether it were actuated by motives of conſcience or of intereſt, unqueſtionably paſſed a vote before it roſe, aboliſhing the Slave Trade from that moment.

Every man who feels for the honour of the Houſe, for the intereſts of this country, for the welfare of Africa, and for the cauſe of humanity, of juſtice, of morality, and of religion, cannot but deplore from his heart that ſuch a determination was not adopted.

There proved, however, to be a conſiderable number of the members, and in that number were found two perſons not leſs diſtinguiſhed for their abilities than reſpectable from their ſtations, who, without heſitating to admit the inherent criminality and the impolicy of the Slave Trade, were yet of opinion that it ought to be aboliſhed, not immediately, but in ſome gradual manner; and being joined, for reaſons which I have already ſtated, by thoſe who were hoſtile to abolition in every ſhape, unfortunately obtained the ſanction of the

Houſe

Houſe to a reſolution conformable to their ſentiments.

II. It remains for me to ſpecify, and to examine, the principal arguments urged by thoſe who ſpoke on that ſide of the queſtion.

Thoſe arguments may be reduced to two; one purporting to manifeſt the impracticability, the other to evince the injuſtice, of immediate abolition.

In the firſt place it was affirmed that the adoption of meaſures profeſſedly aiming at nothing further than gradual abolition, was not merely the moſt prudent, but the only effectual, method of attaining the object ſo generally deſired, the final ſuppreſſion of the Trade. For the cordial aſſiſtance and co-operation, it was ſaid, of the colonial legiſlatures is indiſpenſably requiſite to enſure the ſucceſs of any Britiſh acts of Parliament reſpecting the abolition; and the concurrence of the iſlands can in no degree whatever be expected, much leſs their active and hearty exertions, if their prejudices are ſhocked in the outſet by our peremptorily

emptorily reſolving on a total and immediate abolition.

In the next place it was alleged, that, however ſtrongly juſtice might demand the extinction of this traffic (and that juſtice did require it they who adduced this argument unequivocally admitted), yet oppoſite conſiderations of juſtice demanded that for ſome definite time it ſhould be ſuffered to continue. For the planters, it was repreſented, had embarked their fortunes in the cultivation of the iſlands under the approbation and encouragement of the legiſlature of the mother country; and with a full expectation that they ſhould enjoy without interruption the right which they have ever poſſeſſed, a right eſſential in their opinion to the improvement and preſervation of their property, that of recruiting and augmenting their gangs by the purchaſe of negroes from the coaſt of Africa. And from theſe premiſes it was inferred, that the immediate abolition of the Slave Trade would be an act of direct injuſtice.

On the firſt of theſe arguments I ſhall probably

bably not find it neceſſary to offer many remarks. The aſſertion on which it entirely reſts, that it will not be in the power of the Britiſh Parliament to enſure the execution of an act, ſhould it paſs an act, for the immediate abolition of the Slave Trade, without the approbation and effective aid of the colonial aſſemblies, was ſcarcely attempted to be in any reſpect ſubſtantiated by thoſe who made it; and was controverted and completely overthrown by the Chancellor of the Exchequer. The only way in which any effort had been made in the courſe of the debate by the friends of gradual Abolition to eſtabliſh the truth of the aſſertion which we are conſidering, was by an indirect intimation, that it would be impracticable for Parliament to prevent the planters from introducing ſlaves in a clandeſtine manner into our iſlands from foreign veſſels, and foreign ports in the Weſt Indies; and that the coloniſts would undoubtedly reſort to thoſe methods of obtaining African negroes, were they to be irritated by a ſudden Abolition of the Slave Trade.

I ſhall not, on this occaſion, enter into the diſcuſſion,

diſcuſſion, whether the planters in general, if the Slave Trade were immediately ſuppreſſed, would find themſelves in want of recruits for their gangs. That in the common courſe of things they would not feel any ſuch want, unleſs, contrary to the moſt evident principles of intereſt, they ſhould bring it upon themſelves by ſome extravagant and unaccountable miſconduct of their own, is a point which, in my judgement, has been thoroughly proved. Nor ſhall I inquire into the probability of their endeavouring to ſupply their deficiencies, and even to enlarge their original numbers, by ſmuggling. I ſhall admit, for the ſake of argument, that they would wiſh to do both. But with regard to the practicability of thus introducing African negroes in the face of a Britiſh act of parliament, and in oppoſition to the will of this country, I confeſs that the reaſoning of Mr. Pitt, corroborated as it is by a reference to ſuch regulations as Great Britain has an undoubted right to eſtabliſh in the Weſt Indies, has impreſſed my mind with a decided conviction that ſuch attempts on the part of the coloniſts would be altogether ineffectual. I do not mean to affirm, nor did Mr. Pitt contend,

tend, that it might not be poſſible now and then to evade the moſt rigid law, however vigilantly executed; and by ſtealth to gratify, in a few detached inſtances, that hankering after negroes iniquitouſly ſtolen and cruelly forced from their native land, which long and unbridled indulgence has naturally produced. But if Great Britain ſhews herſelf reſolved on the one hand to put an entire ſtop to the gratification of that inhuman appetite; and on the other feels conſcious that ſhe is poſſeſſed, according to the terms of the connection ſubſiſting between herſelf and the Weſt Indies, of a right to preſcribe whatever laws ſhe thinks fit to their commerce, and to enforce, by the appointment of proper officers in their ports, complete obedience to her will; how is it poſſible that her will can be reſiſted? If Great Britain finds herſelf able, and no one will deny that ſhe has found herſelf able, effectually to prevent the introduction of foreign manufactures into the colonies; can it be impoſſible, can it be difficult, for her to prevent the introduction of ſlaves? If ſhe can ſucceſsfully prohibit, with a word, the introduction of a bale of cloth, of a cheſt of tea, of a bag of nails; can ſhe fail of ſuc-

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ceſs when ſhe prohibits the importation of a negro? If ſhe proved herſelf able completely, and without an effort, to annihilate the introduction of American lumber into the iſlands, reluctant as the planters were to relinquiſh that mode of obtaining what they conſidered, as it were, a neceſſary of life; are there not additional reaſons which render it far more eaſy for her to annihilate at once the introduction of ſlaves from Africa, however adverſe the coloniſts may be to an act of parliament for that purpoſe? For a negro, I believe I may now venture to affirm it on the confeſſion of ſlave captains and ſlave dealers, is a human creature. He has ſome powers of underſtanding; he has organs of articulation; he has a language not altogether unintelligible to European ears which have been accuſtomed to it. He is not, like a piece of lumber, unable to give any account how he came into the iſland; he is not, like a piece of lumber, cut to pieces and worked up into ſome other ſhape; mangled though he may be, he preſerves ſome traces of the human form; his purchaſer is deſirous that he ſhould live, at leaſt for ſome time; he is capable of telling his ſtory; and though the colour of his ſkin

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may very fitly prevent any white man from believing him, he is capable of being identified, he is capable of being put to the teſt by a reference to public regiſters, and other documents, by which the ſlaves poſſeſſed previous to the Abolition, together with Creole ſlaves born after it, may be preciſely aſcertained; he is capable of being queſtioned by public officers, who may be appointed regularly to inſpect the plantations, and examine the negroes; he is capable of being declared free, if he is found to have been fraudulently procured; and his owner is capable of being puniſhed for having fraudulently procured him.

To what I have ſaid on this branch of the ſubject I will only add, that the plan by which Mr. Dundas propoſed to accompliſh the gradual ſuppreſſion of the Slave Trade, the great outlines of which he traced in his ſpeech, appeared to be clogged with extreme difficulties, which were very ably pointed out by Mr. Fox. And one of its leading features, the emancipation of all the children of the negroes after they ſhall have attained a certain age, was ſurely of ſuch a nature as

to ſhock the prejudices and alarm the ſelf-intereſted feelings of the planters, even far more than the immediate Abolition of the Slave Trade. I have, in truth, no conception that any thing, which can fairly be termed the abolition of this deteſtable traffic, will ever be effected by any plan, the ſucceſs of which is to depend on the co-operation of the colonial legiſlatures. For, whatever regulations thoſe aſſemblies might think it prudent to ſanction by their ſtatutes, for the purpoſe of weathering the preſent ſtorm, and giving time for the ſpirit of humanity and juſtice, now at work in Great Britain, to evaporate; with what ſhadow of reaſon can we hope that they would cordially ſuperintend the execution of them, and zealouſly exert themſelves for the attainment of the benefits propoſed: knowing, as they would from the firſt, that the reward of their zeal, the reſult of the attainment of thoſe benefits, was avowedly to be the Abolition of the Slave Trade; a meaſure which, whether immediate or gradual, they denounce as inevitably ruinous to the Weſt-Indies, and reſiſt with ſuch bigoted and acrimonious perſeverance? Encouraged by having once obtained from

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the Britiſh Legiſlature a licenſe for this bloody traffic for a ſpecified term, they would ſilently wait, neither openly counteracting, nor yet carrying into actual effect, the internal regulations which they had been conſtrained to enact, but could not be compelled to execute; and purpoſing, when the term ſhould be nearly expired, to apply again and again to Parliament for prolongations of it. They would be conſcious, that at any future time they ſhould be able to make out at leaſt as plauſible a caſe as at preſent; perhaps, by availing themſelves of contingences, one ſomewhat more plauſible. And they would truſt, that by ſeizing the moments when the ſituation of public affairs may render the political aſſiſtance of the planters of more than common value to the miniſter of the day, they might obtain repeated extenſions of their period of rapine; though it would have been in vain to hope, that, if once an act had paſſed for immediate abolition, its repeal could have been extorted. And thus, by always holding out the proſpect of a ſpeedy termination of the trade, they might lull the people of England into ſupineneſs, and continue to purchaſe the wretched Africans for ever.

Let us now conſider the other argument adduced by the friends of gradual abolition.

This argument, my reader may recollect, was in ſubſtance, that juſtice, although it is confeſſedly violated by the continuance of the Slave Trade, would likewiſe be violated by the immediate ſuppreſſion of it; ſince the faith which Parliament, it was ſaid, has pledged to the coloniſts, would, in that caſe, be broken.

Mr. Dundas, in the courſe of his ſpeech, certainly alleged what approached very nearly to this reaſoning; perhaps what entirely amounted to it. But there was another gentleman, who ſtated it, to my ears at leaſt, in plainer and more pointed language, who, after adopting the emphatical expreſſion of a member who had ſpoken before, that "the Slave Trade is not a trade, but a crime;" and after recogniſing, on the one hand, the claims of juſtice for its abolition, refuſed to concur in immediately ſatisfying them, becauſe, in his opinion, there were "oppoſing claims of juſtice on the other."

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In this age of liberal diſcuſſion we may examine with unreſerved freedom an argument delivered in a public aſſembly, without being ſuſpected of failing in perſonal reſpect towards thoſe who adduced it. Let us then conſider what this argument implies.

It implies a direct and palpable contradiction. It implies an impoſſibility no leſs extravagant (if impoſſibilities may admit of compariſon) than for the ſame identical form to be at once round and ſquare; for the ſame particle of water to be at once in a ſtate of thawing and of congelation. It is ſaying that juſtice may be unjuſt; that an act of abſolute duty may be a flagrant crime. For what is it that the argument affirms? Not that juſtice will hereafter, and under certain future contingences, demand the Abolition of the Slave Trade; but that it does now and under preſent circumſtances demand it. And what does the argument deny? It denies that it is juſt to aboliſh the trade until ſome years ſhall have elapſed, and certain changes ſhall have taken place in the ſituation of the planters.

How then are we to rectify theſe glaring

inconſiſtencies, theſe jarring and irreconcileable concluſions? By taking up the matter a little higher, and attaining clear ideas of the true nature of juſtice, and of its bearings on the queſtion before us. Without encumbering ourſelves with the formalities of logical definitions, we may ſtate juſtice to conſiſt in refraining from invading the rights of others. Juſtice then, it is ſaid, demands the Abolition of the Slave Trade, becauſe it prohibits the invaſion of the rights of the Africans, by which alone the Slave Trade ſubſiſts. This poſition is granted by all the friends of Abolition, whether immediate or gradual. And juſtice, adds the one party, ſince it prohibits ſuch invaſion univerſally and at all times, requires the immediate Abolition. Take a larger view of the ſubject, replies the other; does not juſtice prohibit the invaſion of the rights of the Weſt Indians? Unqueſtionably. And is not the faith of Parliament pledged that no great change of ſyſtem ſhall be enforced on them from which their property may receive an eſſential injury? And conſequently does not juſtice, conclude the ſupporters of gradual Abolition, require, in order that their property may be ſecured from material detriment,

ment, a limited permiſſion of the Slave Trade to take place?

Such is the detailed ſtate of the queſtion.

Now I conceive, that no gradual abolitioniſt, nor even any the moſt prejudiced planter, whatever language he might hold when talking inaccurately of the pledged faith of Parliament, would contend, when preſſed cloſely on the ſubject, that the Legiſlature has bound itſelf for ever to ſupport the Slave Trade for the purpoſe of ſecuring Weſt Indian property. He would undoubtedly explain his meaning to be this: that the Legiſlature ſtands engaged, either to let the Slave Trade continue, or to give a full compenſation for any detriment incurred by its Abolition.

For the preſent I will ſuppoſe, what I by no means intend permanently to concede, that a pledge, thus explained, has been given to the planters by the Britiſh Parliament.

How then are the claims of juſtice on behalf of the planter to be ſatisfied? By violat-

ing her claims on behalf of the African? That is impoſſible. Juſtice cannot at once give to the African a right to be free, and to the ſlave captain, or his emiſſary, a right to enſlave him. The claims of juſtice, it is an important truth, and let us remember it, cannot oppoſe each other. Every claim which ſhe ſanctions attaches to ſome appropriate object. The claim which ſhe gives to the Weſt Indian is not on the African, who is free; but on the Parliament of Great Britain, which, according to our preſent ſuppoſition, is bound. The planter has no plea to invade the liberty of the one, fully as he may be entitled to exact payment from the other. The African has incurred no debt; he was no party to the contract; he has not put himſelf into the hands of the Britiſh Legiſlature; he has not engaged to ratify its bargains with its coloniſts; he has not pledged himſelf to ſurrender at the beck of a Guinea captain; to abandon his country, his friends, and his kindred; to pine in fetters and miſery in the hold of a ſlave ſhip; to be trucked and bartered for money; to expend his ſtrength for ſtrangers; to bleed at the will of a maſter; to groan under the whip of a mercileſs driver; to endure the taunts,

taunts, the ignominy, and the oppreſſion, which fall to the lot of hopeleſs captivity; and to deliver all his poſterity into bondage for ever. Let thoſe diſcharge debts who contract them. England, it may be, had rather pay her creditors with African blood, than with her own gold. And this her Senators tell her is juſtice.

But I muſt now recall that conceſſion which, for the purpoſe of giving every advantage to the argument which I have been combating, I have hitherto made. I deny altogether that the Weſt Indian planters (with the exception of ſome proprietors of lands in the ceded iſlands, whoſe caſe reſts on grounds peculiar to itſelf, and not undeſerving of further inquiry) will have any juſt claim to compenſation from this country, if the Slave Trade ſhall be inſtantly aboliſhed. For ſeveral reaſons, two only of which I will mention, I deny that they will have any ſuch claim. In the firſt place, I think it apparent, from the evidence laid before the Houſe of Commons, that the number of births among the negroes is now greater than that of the deaths; and that the immediate Abolition would

would contribute, in various ways therein ſpecified, to the general benefit of the proprietors of the iſlands. And, in the next place, it was completely eſtabliſhed in the late debate by the Chancellor of the Exchequer, after he had deſcribed the important advantages which would accrue to the Weſt Indies from the immediate Abolition, that no pledge whatever has at any time been given by the Britiſh Parliament, either that the Slave Trade ſhould not be ſuppreſſed, or that the loſſes incurred in conſequence of its ſuppreſſion, had any loſſes been likely to take place, ſhould be made good by the public. I will not injure his arguments, which were not only founded on general reaſoning, but confirmed by a reference to particular ſtatutes, by attempting a detail of them. I truſt that they will be laid before the world with ſufficient correctneſs in ſome of the promiſed Reports of the Debate; and ſhall content myſelf with adding, that to my mind they were perfectly concluſive.

I ſhould hope that no perſon who had an opportunity of hearing the reaſoning of Mr. Pitt on the ſubject of compenſation, can ſtill

have a doubt remaining as to the groundleſſneſs of all claims on the public, except, perhaps, with regard to the ceded iſlands, which planters may bring forward. But I will not allow myſelf to apprehend, that any individual whatever who ſhall ſeriouſly put the matter home to his conſcience, can fail of convincing himſelf that the claims of the Weſt Indians to compenſation, had they been founded in truth and juſtice, could not have vindicated the continuance of the Slave Trade for a moment.

I would now therefore addreſs myſelf to all who have hitherto been diſpoſed to gradual rather than to immediate Abolition; and, were it not that it might be conſtrued into an appearance of preſumption, I would particularly requeſt the candid attention of thoſe members of the Houſe of Commons, if any ſuch ſhould honour theſe pages with a peruſal, who on the late diſcuſſion gave their ſuffrages for the former meaſure in oppoſition to the latter. Thinking, as unqueſtionably I do, that the continuance of the Slave Trade for another hour can be juſtified on no ground of policy or of reaſon; thinking that its continuance

tinuance is a direct violation of the principles of juſtice and of the moſt ſacred obligations of Chriſtianity; I give to all who voted for a limited prolongation of its exiſtence full credit for the purity of the motives by which they were actuated. And with reſpect to that gentleman, to whoſe expreſſions I have had occaſion more particularly to allude, when endeavouring to refute the argument, that "oppoſing claims of juſtice" forbad the immediate Abolition; I feel it my duty to declare, little as he can be concerned as to the opinion entertained of him by a ſtranger, that I have ever been accuſtomed to regard his character with reſpect and admiration; and that I ſtill regard it with reſpect and admiration, deeply as I lament that the meaſure which he ſupported ſhould have received, even for a ſingle inſtant, the countenance of ſuch talents and of ſuch virtues.

I ſhould conſider myſelf as offering an injury to the parliamentary friends of gradual Abolition, were I to repreſent them as having favoured that plan on any other grounds than the two general arguments which I have ſtated. I ſhould conſider myſelf as offering them

them an injury, were I to allege that they were of that deſcription of men, who caring little, and knowing leſs, reſpecting momentous queſtions on which they are called to decide, are always ready to adopt ſome half-meaſure, ſomething intermediate between right and wrong, and applaud themſelves for being perſons of moderation. I ſhould conſider myſelf as offering them an injury, were I to intimate that they had been led by confuſed expectations of ſome national benefit to be attained by the Slave Trade, of ſome public or private evils to be dreaded from the ſubverſion of a long eſtabliſhed ſyſtem (deluſive as all ſuch expectations, viſionary as all ſuch fears would have been), to make a compromiſe between God and mammon [a], and, after admitting

[a] I cannot refrain from making a few ſhort remarks in this place, although they are not required by my preſent line of argument, on the blind ignorance, not to ſay the bold impiety, of thoſe who have preſumed to aſſert that the Scriptures ſanction the Slave Trade. That the Scriptures permit the exiſtence, under certain circumſtances, of the ſtate of ſlavery; and that the Supreme Being promulgated laws to the Jews reſpecting the proper mode of treating thoſe who, for their crimes, by their own conſent, or for debt, had been brought into it, I readily allow. But

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mitting what is due to the former, reſolve to poſtpone the diſcharge of the obligation till it ſhould ſuit the convenience of the latter. I admit them to have purſued a courſe which they believed at the time to have been the line of duty; and I admit that they purſued it for one or both of the reaſons already mentioned, namely, that proceeding in the way of

if any man will yet dare to aſſirm, that, in plain contradiction to the acknowledged attributes of the Deity, any ſanction is given in the Old Teſtament to thoſe who reduce men to ſlavery by force or fraud, let him bluſh when he reads the following lines: "He that ſtealeth a man and "ſelleth him, or if he be found in his hand, he ſhall ſurely "be put to death." Exod. xxi. 16. I hope ere long to ſee a Britiſh Act of Parliament enact the ſame penalty for the ſame crime; and not forget thoſe who either in Africa or the Weſt Indies ſhall buy men who have been ſtolen. Again: "If a man be found ſtealing any of his brethren "of the children of Iſrael, and maketh merchandiſe of him, "or ſelleth him, then that thief ſhall die; and thou ſhalt "put away evil from among you." Deut. xxiv. 7. This latter paſſage only relates to the ſtealing or ſelling of a Jew by a brother Jew. But Chriſt, we know, has commanded us to conſider and treat all mankind as our brethren.

If any one aſk what particular light the New Teſtament throws on the Slave Trade, in addition to the concluſions to be drawn from its general precepts, he may conſult the ninth and tenth verſes of the firſt chapter of the firſt Epiſtle to Timothy, and obſerve the deſcription of perſons with whom "man-ſtealers" are claſſed by St. Paul.

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gradual Abolition would be the moſt practicable, perhaps the only practicable, method of extinguiſhing the Slave Trade; and that conſiderations of juſtice due to the Weſt-Indians render it morally wrong to aboliſh it at once. But if on reflection they diſcover both theſe reaſons to be erroneous; if they become convinced that the immediate Abolition of the trade is the only ſure method of aboliſhing it at all; and is the only meaſure which juſtice and religion permit conſcientious men to adopt; if they feel themſelves bound in duty to God and man to quit a dangerous and polluted path, which, on entering it, they conceived would lead to the dwelling of mercy, of equity, and of happineſs; but which they now behold pointing at once to fraud and rapine, to anguiſh and murder, to every thing that is atrociouſly and incurably iniquitous; they have the comfort of reflecting, that it is not yet too late to recede. They have the comfort to reflect that the rights, which the wiſdom of our conſtitution confers on members of the Houſe of Commons, enſure to each individual, who poſſeſſes a ſeat among the repreſentatives of the people, an opportunity of re-conſidering

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his conduct and the grounds of it; of rectifying his miſconceptions; and even if he finds that he has inadvertently been led into fundamental errors, either with reſpect to ſupporting or to reſiſting any meaſure propoſed, of throwing the weight of his ſuffrage and of his exertions into that ſcale which he now perceives to be ſtamped with the characters of juſtice. Great is the praiſe which belongs to men who, acting under the impulſe of upright intentions, are fortunate enough to embrace at firſt the proper courſe. Yet greater praiſe is due to thoſe, who, influenced by motives equally pure, but unconſciouſly miſtaking the direction in which they ought to have proceeded, have the underſtanding to diſcern, and the magnanimity to correct their error; and triumphing over the artifices of the ſelf-intereſted, who are ſolicitous to detain them in it, and ſtrive to alarm them by the proſpect of the tremendous charge of inconſiſtency, do not heſitate to avow, that the conſiſtency at which a good man ought to aim, is the being conſiſtent in always doing what he believes to be his duty; and that having endeavoured to keep their minds ſtill open to argument and conviction,

viction, they have diſcovered that they were leſs wiſe yeſterday than they are to-day.

If ever there was an occaſion, when thoſe, who have given a vote on which they reflect with concern, are particularly called upon by every moral conſideration to prevent by a timely and effectual remedy the conſequences to be dreaded, it is the preſent. Let them place before their eyes the enormity of the evil in queſtion. Let them conſider (I ſpeak on a ſuppoſition which I am unwilling to think poſſible, that the Houſe of Lords too ſhould be of opinion, that the laws of God may be ſuſpended by an act of Parliament, and that ſome duration, however limited, ſhould be granted to the Slave Trade) how many thouſands and tens of thouſands of their fellow-creatures, from whom they have received no injury, who have committed no crime, they will have contributed to plunge into a complication of the greateſt of human calamities. Let them alſo reflect on the additional multitudes, which from paſt experience we may expect to be mangled, ſlaughtered, or rendered miſerable for life in thoſe ſcenes of war, treachery, and outrage, by

means of which our ſlave ſhips are to be filled. During the continuation of the term, ſhould a term be granted, the eagerneſs of the planters to buy ſlaves, and the conſequent increaſe of price, together with the apprehenſion of a ſpeedy period being put to their execrable traffic, will ſtimulate the brutal avarice of the ſlave-takers to tenfold exertions, and increaſe in an equal proportion the devaſtation and miſeries of Africa. "Wo to the inhabitants of the earth; for the Devil is come down unto you, having great wrath, *becauſe he knoweth that he hath but a ſhort time.*" Well may theſe words of holy writ be applied to that devoted land! But ſuppoſing the term to be extremely ſhort, to be one or two years; ſuppoſing too that it would be poſſible to limit the number of wretched beings to be ſeized in Africa, and exported to the Weſt Indies; ſuppoſing that only ten thouſand more of our fellow-creatures were to be received on board our ſlave ſhips; I earneſtly beg every member of the Legiſlature to pauſe for a moment, and before he gives his aſſent to a Bill for that purpoſe, to make the caſe of one of thoſe ten thouſand Negroes, whoſe liberty and happineſs he is called upon

to vote away in cold blood, fairly and impartially his own. Let him do as he would be done by. Let him collect together, all the reaſons for aſſenting to that bill which others have produced, and add to them, all which his own ingenuity can ſuggeſt. Let him aſk himſelf; and let him anſwer himſelf truly, for much is at ſtake; whether, if he were that Negro, he ſhould think thoſe reaſons juſtified his being enſlaved. Let him aſk himſelf, whether they would juſtify the enſlaving of that Negro, if pleaded before an unprejudiced court of juſtice. Let him aſk himſelf, whether they will juſtify it at that tribunal, before which he and that Negro will ſhortly ſtand face to face.

What may we not expect from the virtue of individuals, when ſo generous and laudable an ardour pervades the people at large? It is indeed an ardour which does not diſgrace the cauſe in which it is diſplayed. Whatever feeble efforts may have been made to caſt reflections on a few of the Petitions preſented to Parliament; it is impoſſible for any reaſonable man to deny, that the inhabitants of Great Britain, while they have performed the

duty which they owe to the Conſtitution, by applying to the Houſe of Commons in that temperate and reſpectful manner, in which every branch of the Legiſlature ought to be addreſſed; have manifeſted their deteſtation of the Slave Trade with a nearer approach to unanimity, with more decided conviction, and, I may add, with more knowledge of the ſubject in queſtion, than was ever experienced before on any public meaſure. It is an ardour which I truſt will never ſubſide, until this traffic is utterly extinguiſhed. While the ſerpent has life there is danger. It may appear to have received a fatal wound; but if it be not ſpeedily cruſhed to pieces, it may prolong year after year its baneful exiſtence, and at length revive in all its wonted horrors. No circumſtance is ſo likely to prevent the Slave Trade from being aboliſhed, as for the country to imagine that it is in fact aboliſhed already. If oppoſed with active and perſevering exertions, it will be annihilated: if deſpiſed and neglected, it will ſecretly reſume its ſtrength. Imitating the example already given in Parliament by Mr. Wilberforce and his aſſociates, I truſt the people of Great Britain will waſh their hands from having any concern in bringing in a Bill

for

for *gradual* Abolition. I truſt that, beholding with abhorrence a Bill giving a *licence* for the practice of treachery, and for the commiſſion of murder, for the diffuſion of the greateſt miſeries, and for the perpetration of the blackeſt crimes, they will refuſe to partake in the guilt; and will not be beguiled, by the paſſing of ſuch a Bill, to enter into any truce or parley with iniquity. I truſt that, without delay or intermiſſion, they will adopt every lawful method, public or private, for cutting ſhort the term of rapine and devaſtation in its courſe; and never lay down their conſtitutional arms, until the enemy be completely deſtroyed.

APPENDIX.

THE foregoing Tract was written and publiſhed immediately after the Houſe of Commons had reſolved, on the ſecond of April 1792, that the Slave Trade ought to be *gradually* aboliſhed; and before the Houſe had proceeded to deliberate concerning the preciſe period during which the traffic was to be *licenſed*.

The importance of the general ſubject, as referring to every principle which ought to influence the hearts and the conſciences of men, and the diſtinct conſideration which it has received in the Treatiſe concerning the Principles of Moral Philoſophy [a], ſeem to evince that it is not improper to join the "Remarks"

[a] Part II. Chapter VIII.

and that Treatiſe in one volume. The ſame reaſons appear further to require a brief ſtatement of the ſubſequent proceedings of the Britiſh Parliament reſpecting the Abolition of the Slave Trade.

Shortly after the Eaſter Receſs, the Houſe of Commons reſumed its deliberations concerning the Abolition; and the conteſt between the friends of immediate and of gradual abolition inſtantly recommenced. The object of the former was to reduce the time to be granted for the continuance of the Slave Trade (for unhappily they had proved unable to prevent ſome time from being allowed) within the narroweſt limits poſſible. The latter differed much among themſelves in opinion reſpecting the length of the term to be fixed. On the twenty-fifth of April 1792 Mr. Dundas moved a reſolution, limiting the continuance of the Slave Trade to the firſt day of January 1800. An amendment was moved by Lord Mornington, that the year "1793" ſhould be ſubſtituted in the place of the year "1800." After a long debate this amendment was rejected by a majority of one hundred.

dred and fifty-eight to one hundred and nine. The Houſe then adjourned.

On the twenty-eighth of the ſame month Mr. Dundas again propoſed his former reſolution; and Lord Mornington moved to ſubſtitute the year "1795" in the place of the year "1800." This amendment alſo was rejected after much diſcuſſion, though by a ſmaller majority than the former; the numbers, on a diviſion, being, for the amendment, one hundred and twenty-one; againſt it, one hundred and ſixty-one.

Sir Edward Knatchbull then moved that the year "1796" *ſhould be ſubſtituted in the place* of the year "1800." This amendment proved ſucceſsful; the numbers, on a diviſion, being, for it, one hundred and fifty-one, againſt it, one hundred and thirty-two.

Shortly afterwards the Houſe of Commons communicated to the Houſe of Peers the reſolution, which it had paſſed reſpecting the abolition of the Slave Trade on the firſt of January 1796; and deſired the concurrence of the Upper Houſe in that reſolution.

The

The Houſe of Lords being of opinion, that it would not be proper to reſt their final determination on the evidence which had been given before the Privy Council, and before a Committee of the Houſe of Commons; ſeveral of the Lords propoſed, for the purpoſe of expediting the buſineſs, that the witneſſes to be examined by the Houſe ſhould not be examined at the Bar, but before an open Committee up ſtairs. The motion was unſucceſsful; and in a ſubſequent year it was renewed with no better fate.

From that time to the preſent, during a ſpace of full three years, the matter has reſted with the Houſe of Lords. In no year have many days, or parts, to ſpeak more properly, of many days, been employed in hearing evidence. In the preſent ſeſſion I believe that evidence has never been heard at all.

This tardineſs in point of progreſs ſeems to have been equally repugnant to the wiſhes and to the expectations of the friends of the immediate abolition of the Slave Trade, and even of the generality of thoſe who preferred a gradual abolition; and has excited on various

rious occaſions no ſmall degree of public animadverſion. That it has knowingly ariſen from improper motives I do not mean to affirm. May every perſon who has contributed to it be able to juſtify his motives at that day, when the ſecrets of all hearts ſhall be revealed!

When the queſtion of the Abolition of the Slave Trade was under diſcuſſion in the Houſe of Commons, thoſe members who contended for its continuance, whether for a longer or for a ſhorter period, reſted their principal arguments on the wants of our Colonies; and almoſt univerſally reprobated that part (and it was no inconſiderable part) of the trade in ſlaves carried on by Great Britain, which had for its object the ſupply of foreign colonies, as highly detrimental in point of policy to the intereſts of this country. In conſequence therefore of the ſlowneſs of the proceedings of the Houſe of Lords on the general ſubject, a bill for the immediate abolition of that branch of the Slave Trade, which conſiſted in ſupplying foreign nations, was ſent up laſt year from the Commons to the Lords. But in the Houſe of Lords it was unſucceſsful.

Such

Such has been the progreſs, and ſuch is the preſent ſtate, of a queſtion, which to a reflecting mind, that contemplates the multitude of unhappy beings whoſe deareſt intereſts are involved in the deciſion, will perhaps appear the moſt important that was ever ſubmitted to a human tribunal. In the mean time, though Juſtice pauſes, Havock pauſes not. *Deliberat Roma, perit Saguntum.* During the laſt three years rapine and treachery have been redoubling their exertions, as might naturally be expected, on the Coaſt of Africa; and the importation of ſlaves into our iſlands has been moſt enormous. The courſe of future events is inſcrutable: but as far as we can foreſee, there ſeem appearances ſufficient to juſtify the belief, that the divine indignation will not much longer endure the exiſtence of the Slave Trade; and that what Great Britain does not by means of law, Providence will do by inſtruments of vengeance. Whatever be the iſſue of the preſent conteſt with France, it is impoſſible to conceive that the principles which have been inſtilled by the French into the breaſts of the negroes will ever be eradicated from *ſuch* minds; or that there can be any proſpect of their refraining from perpetual

efforts

efforts to ſhake off their bondage by every ſpecies of maſſacre and deſolation, (and from the immenſe [b] ſuperiority of their numbers, no

[b] In Mr. Edwards's Hiſtory of the Weſt Indies, (4to. 1793) the number of negroes in the Britiſh Weſt Indian Colonies is ſtated to be four hundred and fifty thouſand, Vol. II. P. 34. The number therefore at preſent cannot be much, if at all, leſs than half a million. Indeed it very probably is greater.

The hiſtorian to whom I have referred furniſhes an additional example of the inconſiſtencies into which thoſe perſons neceſſarily fall, who plead for the continuance of the Slave Trade, and at the ſame time attend, in a certain degree, to the principles of juſtice. Thus, Vol. II. P. 34, he ſpeaks of "the ſad proſpect of four hundred "and fifty thouſand reaſonable beings (in the Engliſh "iſlands only) in a ſtate of barbarity and ſlavery; of "whom—I will not ſay the major part, but—great num-"bers aſſuredly have been torn from their native country "and deareſt connections by means which no good mind "can reflect upon but with ſentiments of diſguſt, com-"miſeration, and ſorrow." In a ſubſequent part of his work alſo, after enumerating certain means by which he admits that the Slave Trade is ſupplied (in which enumeration however he lays little, if any, ſtreſs on ſome moſt flagitious means of ſupplying it, which are perfectly notorious and fully authenticated), he ſays: "By theſe "means, and the commutation of death into ſlavery, for "crimes real and pretended, are the nations of Europe "ſupplied; and it cannot ſurely be a queſtion among a "humane and enlightened people concerning the unlaw-

"fulneſs

no force of the Whites can long reſiſt their attempts) unleſs they ſhall be treated in a way in which they never will nor can be treated while the Slave Trade ſubſiſts; and unleſs the acceſſion of newly imported Africans, the great ſource of paſt inſurrections, be totally precluded. May the repentance of Great Britain be ſpeedy and effectual! May thoſe who are perſonally intereſted in the fate of the Weſt Indian iſlands ceaſe blindly to oppoſe the only meaſure, which affords a probable chance of preſerving their property, their connections, and their relatives, from deſtruction! And may every man who feels himſelf ſtaggered by the aſſertion, that the preſent ſeaſon of public embaraſſment is an unfit time for the adoption of ſo great a meaſure, aſk himſelf theſe two queſtions: Whether any time can

"fulneſs of a traffic thus ſupported." Vol. II. P. 105, 106. Yet he proceeds almoſt immediately to object to the abolition of the Slave Trade on the part of Great Britain; contending for the deliberate continuance of a traffic thus radically and confeſſedly unjuſt; and grounding his arguments on aſſertions and reaſonings, which, I preſume, will not appear to have any real foundation in point of fact to many perſons, who have ſtudied with an impartial mind the documents reſpecting the Slave Trade, which have been laid before the public.

be

be a proper time to continue a practice radically barbarous, unjuſt, and unchriſtian? and whether, if there be any time really more proper than another for the performance of an act of indiſpenſable duty, it be not the time when by reverſes of fortune or impending dangers God admoniſhes us to conſider and to repent.

Yoxall Lodge,
May 30, 1795.

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